

## Part 2 Membership Eligibility

### **49-20-201 Program participation -- Eligibility -- Optional for certain groups.**

- (1)
  - (a) The state shall participate in the program on behalf of its employees.
  - (b) Other employers, including political subdivisions and educational institutions, are eligible, but are not required, to participate in the program on behalf of their employees.
- (2)
  - (a) As provided in Subsection 26-40-110(5), the Department of Health may participate in the program for the purpose of providing health and dental benefits to children enrolled in the Utah Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's Health Insurance Act.
  - (b) If the Department of Health participates in the program under the provisions of this Subsection (2), all insurance risk associated with the Utah Children's Health Insurance Program shall be the responsibility of the Department of Health and not the program or the office.
- (3) A covered individual shall be eligible for coverage after termination of employment under rules adopted by the board.
- (4) Only the following are eligible for Medicare supplement coverage under this chapter upon becoming eligible for Medicare Part A and Part B coverage:
  - (a) retirees;
  - (b) members;
  - (c) participants;
  - (d) employees who have medical employee benefit plan coverage at the time of their retirement; and
  - (e) current spouses of those who are eligible under Subsections (4)(a) through (d).

Amended by Chapter 107, 2015 General Session

### **49-20-202 Establishment of separate risk pools.**

- (1) The program shall establish separate risk pools for:
  - (a) state employees; and
  - (b) the Utah Children's Health Insurance Program.
- (2) In accordance with participation standards established by the program, the following entities may elect to participate in the risk pool established under Subsection (1)(a):
  - (a) in accordance with Subsection (3)(b), an institution of higher education designated under Section 53B-1-102 with a total full-time equivalent enrollment of less than 18,000;
  - (b) an independent entity as defined in Section 63E-1-102; and
  - (c) a comprehensive regional college.
- (3)
  - (a) The program shall create risk pools for other covered employers separate from those created in Subsection (1) as determined by the program.
  - (b)
    - (i) If an institution of higher education described in Subsection (2)(a) has 1,000 or more plan enrollees, the program shall establish a rate for the institution of higher education based 100% on experience; and

- (ii) if the rate established under Subsection (3)(b)(i) is:
  - (A) less than the risk pool rate established for the state employees' risk pool, the program may include the institution of higher education in the state employees' risk pool described in Subsection (1)(a); or
  - (B) more than the risk pool rate established for the state employees' risk pool, the program shall create a risk pool for the institution of higher education that is separate from the state employees' risk pool under Subsection (1)(a).

Amended by Chapter 211, 2010 General Session

Amended by Chapter 318, 2010 General Session