

IC 20-40-12
Chapter 12. Self-Insurance Fund

IC 20-40-12-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a self-insurance fund established under section 4 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-2

"Health care services"

Sec. 2. As used in this chapter, "health care services" has the meaning set forth in IC 27-8-11-1.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-3

"Self-insurance program"

Sec. 3. As used in this chapter, "self-insurance program" means a program of self-insurance established or maintained by a governing body to provide coverage for health care services to a school corporation's employees and the employees' dependents.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-4

Establishment of fund

Sec. 4. The governing body of each school corporation:

(1) may establish a self-insurance fund in accordance with this chapter for the purposes described in:

(A) section 5(1) through 5(3) of this chapter; and

(B) section 5(4) of this chapter as section 5(4) of this chapter applies to governing body or school employee coverage other than coverage for health care services; and

(2) shall, if the governing body elects to provide a self-insurance program to cover health care services, establish a self-insurance fund for the purposes described in section 5(4) of this chapter as section 5(4) of this chapter applies to health care services.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-5

Uses

Sec. 5. The fund may be used to provide money for the following purposes:

(1) The payment of a judgment rendered against the school corporation, or rendered against an officer or employee of the school corporation for which the school corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).

(2) The payment of a claim or settlement for which the school

corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).

(3) The payment of a premium, management fee, claim, or settlement for which the school corporation is liable under a federal or state statute, including IC 22-3 and IC 22-4.

(4) The payment of a settlement or claim for which insurance coverage is permitted under IC 20-26-5-4(a)(14).

As added by P.L.2-2006, SEC.163. Amended by P.L.233-2015, SEC.290.

IC 20-40-12-6

Transfers to fund

Sec. 6. Subject to the approval of the commissioner of insurance, the governing body of the school corporation may:

(1) transfer to the fund an amount of money in the general fund budget;

(2) transfer money from the general fund to the fund;

(3) appropriate money from the general fund for the fund; or

(4) transfer money from the capital projects fund to the fund, to the extent that money in the capital projects fund may be used for property or casualty insurance.

As added by P.L.2-2006, SEC.163. Amended by P.L.146-2008, SEC.479.

IC 20-40-12-7

Balance; nonreverting

Sec. 7. Any balance remaining in the fund at the end of the year does not revert to the general fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-8

Compliance with chapter; self-insurance programs

Sec. 8. Subject to IC 20-26-5-4(a)(14) and this chapter and notwithstanding any other law, a self-insurance program must comply with this chapter.

As added by P.L.2-2006, SEC.163. Amended by P.L.233-2015, SEC.291.

IC 20-40-12-9

Appeals

Sec. 9. (a) A self-insurance program must provide for appeals to a review panel to:

(1) hear complaints; and

(2) resolve concerns;

regarding issues related to coverage, coverage discrimination, and access under the self-insurance program.

(b) The composition of the review panel under subsection (a):

(1) must reflect the populations covered under the self-insurance

program;

(2) may include a member representative of each covered population; and

(3) must maintain a balance of administration and nonadministration members.

(c) Self-insurance program documents provided to individuals covered under the self-insurance program must specify the appeal process, including the name, address, and telephone number of the individual with whom an appeal may be filed.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-10

Incurred claim basis

Sec. 10. (a) A self-insurance program must be written on an incurred claims basis.

(b) The governing body must fund a self-insurance program as described in section 4(2) of this chapter to include coverage for all eligible incurred claims.

(c) Subject to this chapter and notwithstanding any other law:

(1) contributions made on behalf of individuals covered under the self-insurance program, including employee and employer contributions; and

(2) transfers or allocations of funds by a governing body;

for coverage for health care services under a self-insurance program must be directly deposited into the fund and may not be transferred to other accounts or expended for any other purpose.

As added by P.L.2-2006, SEC.163.