



## Ohio Revised Code

### Section 3309.392 Social security disability insurance benefits.

Effective: April 6, 2017

Legislation: House Bill 520 - 131st General Assembly

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(A) A recipient of a disability benefit granted under this chapter on or after January 7, 2013, but before the effective date of this amendment, who is enrolled in health care coverage under section 3309.69 of the Revised Code shall apply for social security disability insurance benefit payments under 42 U.S.C. 423 if the recipient meets the requirements of divisions (a)(1)(A), (B), and (C) of that section.

(B) A recipient of a disability benefit granted under this chapter on or after the effective date of this amendment who is enrolled in health care coverage under section 3309.69 of the Revised Code shall apply for both of the following:

(1) Social security disability insurance benefit payments under 42 U.S.C. 423 if the recipient meets the requirements of divisions (a)(1)(A), (B), and (C) of that section;

(2) Hospital insurance benefits under 42 U.S.C. 426(b), if both of the following are the case:

(a) The recipient had medicare qualified government employment, as defined in 42 U.S.C. 410(p).

(b) The recipient would have met the requirements of divisions (a)(1)(A), (B), and (C) of 42 U.S.C. 423 if the medicare qualified government employment was treated as employment under 42 U.S.C. 410(a).

(C) Unless the school employees retirement system determines that good cause exists to exempt the recipient from the requirements of this section, a recipient who is subject to division (A) or (B) of this section shall file the applications required by those divisions as follows:

(1) For a recipient who on the effective date of this amendment is enrolled in health care coverage under section 3309.69 of the Revised Code, not later than one hundred eighty days after the effective date of this amendment;



(2) For a recipient who enrolls in health care coverage under section 3309.69 of the Revised Code on or after the effective date of this amendment, not later than ninety days after enrolling.

(D) The recipient shall file a copy of each completed application and a copy of the social security administration's acknowledgement of receipt of the application with the retirement system. The system shall accept the copy and acknowledgement as evidence of the recipient's application.

The recipient shall file with the system a copy of the social security administration's final action on the recipient's application for social security disability insurance benefit payments or hospital insurance benefits, as applicable.

(E)(1) Unless an exemption is granted under division (C) of this section:

(a) A recipient subject to division (A) or (B) of this section who fails without just cause to apply for social security disability insurance benefit payments or to comply with division (D) of this section shall have the recipient's disability benefit suspended until the recipient applies for the payments and complies with division (D) of this section.

(b) A recipient subject to division (B) of this section who fails without just cause to apply for hospital insurance benefits or to comply with division (D) of this section shall have the recipient's disability benefit suspended until the recipient applies for the benefits and complies with division (D) of this section.

(2) A recipient subject to division (B) of this section whose application for hospital insurance benefits is approved by the social security administration shall enroll in coverage for those benefits. A recipient who fails to enroll in coverage for hospital insurance benefits is not eligible for health care coverage under section 3309.69 of the Revised Code until the recipient enrolls in the coverage for hospital insurance benefits.

(F) The school employees retirement board may adopt rules as it considers necessary to implement this section.