

RETIREMENT MEDICAL BENEFITS ACCOUNT

PARTICIPANT HANDBOOK

Table of Contents



1 Overview	4
1.1 Overview	4
1.2 Administration of System and Funds	4
1.2.1 RMBA Plan Administration	4
1.3 Board of Trustees	4
1.4 INPRS Mission, Vision, and Values	4
1.5 Indiana Code Governing RMBA	4
1.6 Important Terms	5
1.7 Contacting the Claims Administrator	5
1.8 Contacting INPRS	5
2 Participation & Funding	6
2.1 Participation in RMBA	6
2.1.1 Eligibility Provisions for State Police Employees	6
2.2 When Participation Ends	7
2.3 Death of Eligible Employee	7
2.4 Funding RMBA	7
2.5 Employer Contributions	7
2.5.1 Contribution Amount	8
2.5.2 Additional Contributions	8
2.6 Reimbursement Accounts	8
2.6.1 Checking the Balance of Reimbursement Account	9
2.7 Personal Information	9
3 Retirement & RMBA Reimbursement	10
3.1 Retirement Effective Date	10
3.1.1 Retired Participant	10
3.2 Reemployed Retired Participants	10
3.3 When Retired Participation Ends	10
3.4 Reimbursements After Retired Participant Death	11
3.5 Qualifying Expenses Eligible for Reimbursement	11
4 Reimbursement Process	12
4.1 Request A Claim for Reimbursement	12
4.2 Claim Review	12
4.2.1 Denial of Claim	12
4.3 Reimbursement to RMBA	13
4.4 Administrative Review	13
4.4.1 Initial Determination	13
4.4.2 Administrative Law Judge	13
4.4.3 Judicial Review	14

5 Additional Plan Information 15

- 5.1 Subrogation 15
- 5.2 Power of Attorney 15
- 5.3 Guardianship 15
- 5.4 Access to Records 16
 - 5.4.1 Member Records & Confidentiality 16
 - 5.4.2 Public Records 16



1.1 Overview

The Retirement Medical Benefits Account (RMBA) was created by the Indiana General Assembly and made effective August 1, 2007. RMBA is a health reimbursement account available to certain State of Indiana employees. The purpose of RMBA is to reimburse eligible, retired employees of a State of Indiana organization for certain qualifying medical expenses for you, your legally married spouse, and your dependent children.

1.2 Administration of System and Funds

Indiana Public Retirement System (INPRS) administers 16 funds (eight defined benefit (DB), five defined contribution (DC), two other post-employment benefit, and one custodial). RMBA is a postemployment benefit administered by INPRS. In accordance with Indiana Code (IC) 5-10.5-2-3, INPRS is governed by a nine-member Board of Trustees, appointed by the Governor. INPRS combined membership totals over 500,000 members representing more than 1,250 participating employers including public universities, school corporations, municipalities, and state agencies. For additional information about each fund visit the Annual Reports page of the INPRS website www.in.gov/inprs.

1.2.1 RMBA Plan Administration

RMBA is administered by a plan year, which is the twelve-month period commencing on each July 1 and ending on the following June 30. INPRS may adopt any rules or procedures it deems necessary or desirable for the proper and efficient administration of RMBA. While INPRS handles administration of RMBA, a third-party administrator, Key Benefit Administrator (KBA), was appointed to process benefit claims. The RMBA plan is administered and enforced according to the laws of the State of Indiana.

1.3 Board of Trustees

INPRS is governed by a nine-member Board of Trustees, appointed by the Governor. Board members serve as “fiduciaries” of the Fund, which means they are legally bound to make investment decisions with your best interest in mind. The executive director carries out the policies set by the Board and administers the Fund (IC 5-10.5).

1.4 INPRS Mission, Vision, and Values

Mission: Engaged members able to realize their retirement dreams

Vision: As fiduciaries, educate stakeholders, collect necessary contributions, and prudently manage member assets to deliver promised DB and DC benefits and services.

Values: INPRS believes people are the foundation of our success. It takes people with different backgrounds, ideas, and strengths to be successful. Success is built upon accountability, commitment, constructive conflict, and trust.

1.5 Indiana Code Governing RMBA

The laws and regulations governing the RMBA plan may be found in the Indiana Code (IC) 5-10-8.5 and Article 23 of Title 35 of the Indiana Administrative Code (IAC). The content and reference of this handbook does not constitute legal advice, and nothing herein should be considered a legal opinion. In the event of a discrepancy between the information in this handbook and the laws of the State of Indiana, the applicable law shall apply.

1.6 Important Terms

- **Claims administrator** – the third-party administrator appointed by INPRS to handle the processing of claims and payments under the plan. Key Benefit Administrators (KBA) is the claims administrator currently.
- **Covered dependent** – the spouse legally married to the retired participant or an unmarried person who is a dependent child of the retired participant.
- **Eligible Employee** – a State of Indiana public employee who may be eligible for RMBA benefits upon their last day in pay.
- **Participant** – the individual for whom a retirement medical benefits account is established.
- **Plan year** – the twelve (12) month period commencing each July 1 and ending the following June 30.
- **Retired participant** – participants considered retired are:
 - A participant who is eligible for a normal, unreduced, or a disability benefit of the public employees' retirement fund on your last day of employment.
 - A participant who has completed at least 10 years of service credit as an elected or appointed officer on your last day as an elected or appointed officer.
 - A participant who is a member of the PERF My Choice plan who is of normal retirement age as defined by IC 5-10.3-12-14 on their last day of employment, and whose last day of employment is after June 30, 2021.

1.7 Contacting the Claims Administrator

If you're a retired participant and/or have a question about your reimbursement claim, please contact the claims administrator, KBA. **All claims for reimbursement must be sent to KBA.** Customer representatives are available from 8 a.m. to 5 p.m. Monday through Friday by phone: (800) 558-5553, or (317) 284-7150. Faxes can be sent to (866) 241-1488, and email to Flexpro@Keybenefit.com.

1.8 Contacting INPRS

Information about RMBA can be found on the INPRS website: www.in.gov/inprs. Go to Plan Info at the top of the navigation menu, and then select State of Indiana Retirement Medical Benefits Account. You can review (frequently asked questions FAQs) and more on the INPRS website.

If you need additional information, have questions, or need assistance, feel free to contact the Member Service Center at (844) GO-INPRS (844-464-6777). For TDD call (800) 579-5708. INPRS Member Advocates are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET. You can also submit inquiries via email to questions@inprs.in.gov.



Certain State of Indiana employees are eligible for participation in RMBA based on specific criteria as outlined in this section.

2.1 Participation in RMBA

To be eligible to participate in RMBA, you must be a full-time employee of one of the following:

- For an elected officer, appointed officer, or employee of the executive branch of state government who is in a position covered by the plan as described in 35 IAC 23-1-3, the State of Indiana, including any board, commission, department, division, authority, institution, establishment, facility, or governmental unit under the supervision of the State, having a payroll in relation to persons it immediately employs;
- For a member of the Indiana general assembly or an employee of the legislative branch of state government:
 - the president pro tempore of the senate, for a member or an employee of the senate;
 - the speaker of the house of representatives, for a member or an employee of the house of representatives;
 - the personnel subcommittee of the legislative council, for an employee of the legislative services agency.
- The Indiana supreme court, for a member or employee of the judicial branch of state government, including:
 - a justice;
 - a judge;
 - a prosecuting attorney;
 - an officer described in section 3(b)(6) of this rule;
 - an employee of the judicial branch of state government, including an employee of any board, commission, department, division, authority, institution, establishment, facility, or governmental unit under the supervision of the judicial branch, having a payroll in relation to persons it immediately employs.
- Officers paid by the State under IC 33-23-5-10, IC 33-38-5-7, and IC 33-39-6-2.

Becoming a RMBA participant is automatic – participants do not have to complete any forms.

You are **not** eligible to participate in RMBA if you are a state conservation officer of the department of natural resources or an employee of the state excise police.

2.1.1 Eligibility Provisions for State Police Employees

Employees of the state police department who waived coverage under a common and unified plan of self-insurance provided for under IC 5-10-8-6 before July 1, 2011, may participate in RMBA. Employees must provide satisfactory evidence of the waiver to INPRS.

- A. A person who meets the following criteria may, after June 30, 2011, and before September 1, 2011, make a one-time irrevocable election to become a participant in RMBA.
 1. The person must have been an employee of the executive, legislative, or judicial branch (other than state police); and

2. left the position described in A1 after June 30, 2007, and before July 1, 2011, and was later employed by state police in a position that was not eligible for state police pension and benefit programs; and
3. remained employed by state police on July 1, 2011, in a job that is not eligible for state police pension and benefit programs.

NOTE: Any service credit with the state police department after June 30, 2011, will not be included for any purpose under RMBA.

- B. If you are an employee of the executive, legislative or judicial branch (other than state police), and
1. left the position **after** June 30, 2011, and
 2. became employed by state police department in a job that is not eligible for state police pension and benefit programs; and
 3. you must make an election to participate in RMBA **no more than 60 days after** leaving employment and becoming employed by the state police department to remain a participant in RMBA.

Any individual who makes these elections in A or B cannot also participate in the state police retiree medical benefit plan. See IC 5-10-8.5-9.5 and IC 5-10-8.5-9.6.

2.2 When Participation Ends

Your participation in RMBA will terminate when you separate from RMBA-covered employment prior to becoming a retired participant. However, if you reemploy in a RMBA-covered position within 30 days, your participation shall continue. If you do not reemploy within 30 days, your participation ends and the balance in RMBA will be forfeited as of the date of your separation. INPRS has the sole and complete discretion to determine whether or not a former participant will be deemed to be a re-employed employee and the basis upon which such determination will be made. See 35 IAC 23-1-10 and 35 IAC 23-1-12.

2.3 Death of Eligible Employee

A participant who dies while employed and after the date on which the participant became eligible for a normal, unreduced retirement benefit under IC 5-10.2, IC 5-10.3, and 35 IAC 1.2 or was of normal retirement age as defined in IC 5-10.3-12-14 and who had not yet terminated employment, will be **treated as a retired participant** as of the participant's date of death.

2.4 Funding RMBA

RMBA consists of:

- Contributions made by employers; and
- All earnings and losses on investments or deposits of the account; and
- All contributions or payments made to participants' and retired participants' individual reimbursement accounts in a manner provided by the Indiana General Assembly.

The earnings of the aggregate contributions to the retired participants' reimbursement accounts will be reduced by any investment losses and the administrative costs of RMBA before any earnings are credited to the balance of participants' reimbursement accounts. The funds will be held for the exclusive benefit of participants and covered dependents.

2.5 Employer Contributions

Employers will allocate contributions annually to an eligible employee's reimbursement account. INPRS will determine the date on which the contributions are credited to your reimbursement account.

2.5.1 Contribution Amount

The amount of the contribution each plan year is based on your age on the last day of the calendar year falling within the RMBA plan year for which the contribution is made. The amounts are:

Participant's Age in Years	Annual Contribution Amount
Less than 30	\$500
At least 30, but less than 40	\$800
At least 40, but less than 50	\$1,100
At least 50	\$1,400

Contributions **will not be made** after June 30, 2017, if the participant was eligible for a normal, unreduced retirement benefit as of June 30, 2017, and completed one of the following:

- 15 years of service credit with the employee's employer; or
- 10 years of service credit as an elected or appointed officer.

NOTE: When you retire, you become a retired participant and you will no longer receive annual contributions.

2.5.2 Additional Contributions

Additional contributions were earned by eligible participants through June 30, 2017.

Under IC 5-10-8.5-16, participants who meet the criteria below are entitled to receive an additional contribution.

1. If a participant terminated employment on or before July 1, 2017, **and**
 - Was eligible for a normal, unreduced retirement benefit; or
 - An elected or appointed officer; **and**
2. If a participant terminated employment or was an elected or appointed official; **and**
3. The participant completed the following on or before July 1, 2017:
 - 15 years of service credit with the employee's employer; or
 - 10 years of service credit as an elected or appointed officer; **and**
4. Excluding elected or appointed officers, the participant has **applied** to receive a normal, unreduced retirement benefit from the fund in which the participant was a member.

The amount of the contribution is the product of the participant's years of service credit (rounded down to whole year) multiplied by one thousand dollars (\$1,000).

A contribution will not be made after June 30, 2011, for Conservation Officers of the Department of Natural Resources, State Excise Police Employees, and State Police Employees who do not meet the requirements per IC 5-10-8.5-16.

A contribution will not be made after June 30, 2017, for any employee who, on June 30, 2017, was eligible for a normal, unreduced retirement benefit from the State public employee retirement fund of which the employee is a member and has completed either 15 years of service with the employee's employer; or 10 years of service as an elected or appointed officer.

2.6 Reimbursement Accounts

Under the direction of INPRS, the Claims Administrator will establish a reimbursement account for each participant, which will be maintained by the Claims Administrator. As of June 30 of each year, the participant's employer will allocate contributions to the participant's reimbursement account based on the

employer contribution amount as described in IC 5-10-8.5-15. In addition, regardless if retired or not, each subsequent year, the participant's reimbursement account will be credited or debited with that reimbursement account's share of the earnings or losses on the investments or deposits of all the accounts after administrative expenses are paid. The maintenance of reimbursement accounts is only for accounting purposes, and no assets are segregated to any participant's account.

2.6.1 Checking the Balance of Reimbursement Account

As an active participant (not retired) you can check the balance of your reimbursement account at any time. To check the balance, visit the FlexPro Wex website. The link can be found on the INPRS website: <https://www.in.gov/inprs/my-fund/state-of-indiana-retirement-medical-benefits-account-plan/>. If you have not logged into your account before, you will need to register first. You may also find a link to the site by accessing the RMBA page of the INPRS website.

2.7 Personal Information

Changing your address and information about your covered dependents with your employer will not update that information with INPRS. RMBA participants still working in a covered position can contact INPRS.

NOTE: It is critical you keep the Claims Administrator and INPRS informed of any changes to your name, addresses, or covered dependents.

Retired RMBA participants need to report any changes in demographic information or update beneficiaries by contacting the Claims Administrator, Key Benefit Administrators.



Only retired participants and their covered dependents are eligible to receive reimbursements from RMBA. If you are **not a retired participant** and separate from employment, the amounts credited to your reimbursement account **will be forfeited** as of the date of your termination of employment.

3.1 Retirement Effective Date

Your retirement effective date for purposes of receiving your defined benefit (pension) or from your defined contribution account is determined under the rules of the plan of which you are a member. Once you have separated from a RMBA-covered employer **and** become a retired participant you are eligible to begin receiving reimbursements from your RMBA account for qualifying expenses.

3.1.1 Retired Participant

A retired participant is:

- A person who is eligible for a normal, unreduced, or a disability benefit on their last day in an eligible position.
- As of July 1, 2021, a retired participant will also include members of the PERF My Choice defined contribution plan, if the member is at least 62 years of age with 5 years in a RMBA-covered position. A PERF My Choice member must separate from State employment on or after July 1, 2021, to be eligible under this provision.
- An elected or appointed officer with at least 10 years of service credit. For purposes of determining whether you have 10 years of service credit:
 - If you have years of service credit with more than one employer as an eligible employee, your years of service credit are the sum of your years of service credit as an eligible employee with all employers.
 - Effective July 1, 2013, any partial year of service credit in the year you were appointed to an elected position shall be considered one (1) complete year of service credit.

Any years of service credit that were purchased to be eligible for a benefit under the retirement fund in which you are a member will not be included in determining your eligibility for benefits or the total amount of benefits under this RMBA plan.

3.2 Reemployed Retired Participants

A retired participant who is reemployed by any State employer shall **not be eligible to receive benefits** from the plan during the participant's period of reemployment. No additional contributions to the retired participant's account shall be made during the period of reemployment. When the retired participant terminates State employment again, the retired participant will resume access to the participant's plan account.

INPRS has the sole and complete discretion to determine whether a retired participant will be deemed to be a re-employed employee and the basis (including records, reports and/or other information) upon which such determination will be made.

3.3 When Retired Participation Ends

A **retired participant's** participation will cease when:

- A. Your reimbursement account is depleted; or
- B. There have been no reimbursements made from your reimbursement account for at least 6 months and the balance in your reimbursement account is less than five dollars (\$5.00); or

- C. The retired participant has died, and any covered dependents have died or are no longer classified as covered dependents (whichever occurs first), the reimbursement account will be forfeited.

3.4 Reimbursements After Retired Participant Death

The legally married surviving spouse or covered dependent of a retired participant may use amounts credited to the retired participant's account to pay for qualifying expenses to the same extent and in the same manner as the retired participant. If a retired participant dies without a legally married surviving spouse or covered dependents, unused amounts credited to the retired participant's account will be forfeited.

3.5 Qualifying Expenses Eligible for Reimbursement

The balance of a retired participant's RMBA may be used by the retired participant and the spouse and covered dependents of the retired participant to pay for health insurance premiums for individual or group health coverage.

The following are expenses that qualify under the RMBA plan:

- Premiums paid under Medicare Part B (part B of the title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged).
- Contributions made under a fully insured policy or self-funded plan or program providing group or individual coverage to the retired participant or covered dependents covering medical care. See section 213(d)(1)(A) and (B) of the Social Security Act for information on requirements regarding the definition of medical care.
- Premiums paid for tax-qualified long-term care insurance subject to limitations in section 213(d)(10) of the Internal Revenue Code.
- Expenses for the purchase of a policy, plan or program providing coverage for expenses in addition to medical care (as defined in IRS Code Section 213(d)), will be Qualifying Expenses only to the extent that such expenses are directly related to the cost of the medical care component of the policy. The cost for the medical care component of the policy must be reasonable for the type and amount of coverage purchased, as determined by the Claims Administrator, and must be separately stated in the insurance contract, billing statement or other documentation acceptable to the Claims Administrator.

However, the following expenses are **not** qualifying expenses and are **not** eligible for reimbursement:

- Expenses paid, reimbursed or reimbursable by any insurance, accident, health, or workers' compensation plan; or
- Expenses paid, reimbursed or reimbursable under an IRS Code Section 125 plan; or
- Expenses incurred while the individual is neither a retired participant nor a covered dependent; or
- Expenses the individual is not legally obligated to pay; or
- Anything not specifically listed above.



4.1 Request A Claim for Reimbursement

To receive reimbursement for a qualifying expense, the retired participant must complete and submit a claim form with the Claims Administrator **no later than 90 days after the end of RMBA plan year in which the expense was incurred and paid**. The claim form must include appropriate supporting documentation (such as bills, receipts, canceled checks, written statements and the like). The plan year is between July 1 and June 30. Ninety (90) days after the plan year falls on **the last business day in September of the plan year**. If you need help submitting a claim, contact the Claims Administrator (Chapter 1, Section 1.7).

The claim form is found here: <https://www.in.gov/inprs/files/rmba-documents/NewClaimForm.pdf>. The claim form and supporting documentation can be sent to the Claims Administrator at one the following:

Email	FlexPro@KeyBenefit.com
Mail	P.O. Box 55787 Indianapolis, IN 46205
Fax	866-241-1488
Online	https://flexpro.lh1ondemand.com/

NOTE: Sending personal identifying information (PII) such as your social security number, bank account information, or social security number is never safe. It is your responsibility to keep your PII secure when you transmit any documentation for your claim.

4.2 Claim Review

The Claims Administrator will review the claim form, qualifying expenses, supporting documentation, the timing of which the expense was incurred and paid, and the amount of any reimbursement to determine if a payment should be made from the retired participant's RMBA. If a payment should be made to the retired participant from his/her RMBA, the Claims Administrator will issue the payment as soon as practical. Any claim paid will reduce the retired participant's reimbursement account by the amount paid. Any questions about the review or payment should go to the Claims Administrator.

You can check your status of your claim, claim history, reimbursement history, and balance by logging into your online account at <https://flexpro.lh1ondemand.com/>.

4.2.1 Denial of Claim

If the Claims Administrator denies reimbursement of a claim, the retired participant may submit a written request to the Claims Administrator seeking a review of any benefit determination made by the Claims Administrator. The Claims Administrator will afford the retired participant a full and fair review of such a request in accordance with the claims and review procedures applicable to RMBA. After the Claims Administrator has reviewed your request and you disagree with the decision, you can request an administrative review to INPRS.

NOTE: Your claim will be denied if you fail to submit the claim within 90 days of the end of the RMBA plan year (by last business day in September) in which the expense was incurred and paid. Any request for review will also be denied.

4.3 Reimbursement to RMBA

Benefits payable to a retired participant or covered dependent may be withheld to offset an overpayment of benefits made by RMBA.

4.4 Administrative Review

If you disagree with the action or final determination by the Claims Administrator and/or INPRS staff, and no alternative resolution is available, you may request administrative review under the Administrative Orders and Procedures Act (IC 4-21.5). You must have standing as a party or a right to intervention to request administrative review.

4.4.1 Initial Determination

You must petition INPRS in the form of a letter to request a review of the action or final determination with which you disagree. This letter should specifically state the basis of your disagreement and include sufficient facts so that INPRS can evaluate your request for review. You should include copies of any supporting documents. For a sample format of this member petition, see form Step 1: Member Petition for Administrative Review of Staff Action/Determination available on the INPRS website. You will need to complete the form and submit it to INPRS, Attn: Administrative Review, One North Capitol, Suite #001, Indianapolis, IN 46204, or by emailing the form to AdministrativeReviews@INPRS.in.gov.

Once an evaluation has been completed, you will be notified with an initial or amended determination letter, sent by certified mail. The letter will indicate INPRS' initial or amended determination and provide supporting justification. In addition, INPRS will provide explicit instructions should you want to appeal. Indiana law sets forth specific timelines to appeal a decision. Should your appeal be received after the appeal deadline, under Indiana law, the initial or amended determination will become final, and you will forfeit any future claims specific to that particular outcome. As noted, many processes and procedures followed by INPRS are statutory, meaning INPRS does not have the discretion to act outside of the law in granting a benefit that federal and/or state law does not permit.

4.4.2 Administrative Law Judge

If you disagree with the initial or amended determination and want to further challenge, you may request to bring the matter before an Administrative Law Judge (ALJ). To initiate this process, you must file a petition for review with the INPRS Executive Director and you must file a petition using the form available from the Your Right to Administrative Review page on the INPRS website.

These are the available forms and instructions:

1. Complete Member Petition for Administrative Review of Staff Action or Determination
2. Petition for Review by ALJ
3. General outline for ALJ review

Complete and return the form (Step 1 or Step 2) to INPRS at AdministrativeReviews@INPRS.in.gov or the address provided on the form. It is recommended that you retain copies of the submitted documents for your records.

The petition for review:

- Must meet the statutory requirements set forth in [IC 4-21.5-3-7\(a\)](#); AND
- Must be filed within 15 days after you have received the written notice of the INPRS initial determination letter. ([IC 4-21.5-3-7\(a\)](#)).

If your petition for review meets the statutory requirements, INPRS will arrange for an administrative hearing of your case, which is similar to a trial in a lawsuit, but is conducted in less formal manner ([IC 4-21.5-3-25\(b\)](#)). You may be represented by counsel, but there is no requirement that you obtain representation. INPRS is not responsible for costs associated with your representation. The ALJ who conducts the review will consider the evidence concerning the administrative action/decision. For a detailed outline of the ALJ review process, see the General Outline for Administrative Law Judge (ALJ) Review available on the INPRS website.

At the conclusion of the administrative hearing process, the ALJ will issue a Finding of Facts and Conclusions of Law and written order concerning the action or decision that you are challenging ([IC 4-21.5-3-27](#)). The ALJ's order is then subject to review by the INPRS Executive Director. On behalf of the Board of Trustees, the Executive Director will issue a final order that affirms, modifies, or dissolves the ALJ's order ([IC 4-21.5-3-29\(b\)](#)).

4.4.3 Judicial Review

If you are still in disagreement at the conclusion of the administrative review, you may seek judicial review within 30 days of receipt of the final order (IC 4-21.5-5). A reviewing court will examine only those disputed issues of fact that appear in the agency record of the appeal. The trial court may not retry the appeal or substitute its judgment for that of agency (IC 4-21.5-5-11).

See the Administrative Review Regulations available on the INPRS website for a list of all relevant IAC references.



NOTE: This information is only a guide and neither a substitute for, nor intended as legal advice.

5.1 Subrogation

If qualifying expenses are paid or payable under the RMBA plan, and if the retired participant or covered dependent (or the retired participant's or covered dependent's guardian or estate) has or may have a claim against other parties (including insurance companies and carriers) for payment of all or part of those expenses, this RMBA plan will be subrogated to all claims and rights of recovery of the retired participant or covered dependent. The RMBA plan shall be entitled to reimbursement from any judgment, settlement or payment resulting from the individual's claim or right. The RMBA plan will be reimbursed in full for any qualifying expenses paid by RMBA before any amounts (including any legal fees incurred by the retired participant, covered dependent, guardian or estate) are deducted from the judgment, settlement or payment and paid to any other person (including the retired participant or covered dependent). If a lawsuit is filed, RMBA may record a notice of payment of benefits which will constitute a lien against any judgment recovered.

5.2 Power of Attorney

INPRS honors requests and directions from a lawful holder of a Power of Attorney document for you. This individual is known as the attorney-in-fact. The Power of Attorney must grant the attorney-in-fact the authority to transact business of the type requested. For instance, if the Power of Attorney document grants the attorney-in-fact broad discretion to handle all banking and financial transactions, INPRS will accept directions regarding benefit payments. If, on the other hand, you grant what is known as a Health Care Power of Attorney, the attorney-in-fact does not have the authority to direct INPRS on any matter, even something as simple as an address change.

If you want to name a Power of Attorney for fund business only, without incurring the expense of legal counsel, INPRS can provide a [Limited Power of Attorney for Members and Recipients \(State Form 49614\)](#). However, this Power of Attorney applies only to fund business and is not valid for general public use. To receive a copy of this form to be completed and returned to the address on the form, contact INPRS.

If an attorney-in-fact attempts to act on your behalf, INPRS will require a copy of the Power of Attorney. If a copy of the Power of Attorney is not in your file, the requested transaction will be denied. The denial will then be returned to the attorney-in-fact, requesting proof of legal authority to act on your behalf.

NOTE: Indiana law has very specific requirements for a Power of Attorney to be valid. Your signature must be witnessed and attested to by a Notary Public. Further, the Notary Public must sign the document along with the attorney's printed name and notarial seal.

5.3 Guardianship

INPRS honors requests and directions from a legally appointed guardian of your estate. Before INPRS can recognize acts of a guardian, INPRS must receive copies of the Letters of Guardianship and/or other official court documents appointing the guardian. A guardian is appointed only when you are declared incompetent by a court of law while you are under an active guardianship and unable to act on your own behalf. INPRS

will not recognize your acts until provided proof that your right to act on your own behalf has been restored.

5.4 Access to Records

5.4.1 Member Records & Confidentiality

Member records are confidential by law. INPRS will only release your name, fund, and years of service credit. Member records are **not** public records. INPRS can provide information from your records to you, or to one of the following:

- a guardian,
- a representative of your estate,
- an attorney-in-fact (aka Power of Attorney or POA),
- someone to whom you have given express written permission, or
- someone named by a court order.

Indiana law, 35 IAC 1.2-1-5 and IC 5-10.5-6-4, outlines INPRS confidentiality rules and allows INPRS, at its discretion, to provide member information to:

- members of the Indiana General Assembly,
- state agencies,
- quasi-governmental agencies,
- any person with the member's written permission, including a Power of Attorney,
- an active member's employer,
- a deceased member's personal representative with Letters Testamentary or a beneficiary, according to a small estate affidavit,
- to follow state or federal law, a subpoena, legal discovery under the Indiana trial rules or Orders and Procedures Act or other court order.

5.4.2 Public Records

INPRS is committed to making public records available upon request. To get information, you can:

- Call (844) GO-INPRS (844-464-6777),
- Submit your request through the online portal at: <https://in.accessgov.com/inprs-apra>; or
- Send a written request or stop by in person at:
Indiana Public Retirement System
One North Capitol Avenue, Suite 001
Indianapolis, IN 46204