

**FIRST AMENDMENT  
OF  
STATE OF INDIANA  
RETIREMENT MEDICAL BENEFITS ACCOUNT PLAN  
(As Amended and Restated Generally Effective as of July 1, 2015)**

WHEREAS, the Indiana State Budget Agency (the "Agency") of the State of Indiana maintains the State of Indiana Retirement Medical Benefits Account Plan (the "Plan"), which was established effective as of August 1, 2007, and was last amended and restated generally effective as of July 1, 2015; and

WHEREAS, pursuant to Section 7.1 of the Plan, the Agency has the right to amend the Plan in whole or in part at any time in the Agency's sole discretion; and

WHEREAS, the Agency has determined that the Plan should be amended to clarify the provisions applicable to any reemployed Retired Participants and for other purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Plan be, and it hereby is, amended by this First Amendment of State of Indiana Retirement Medical Benefits Account Plan (this "First Amendment") in the following particulars, to be effective as of June 1, 2017, except as otherwise specified herein:

1.

Delete the fourth sentence of Section 2.5 of the Plan and substitute therefor the following sentence:

Such Retired Participant's participation will cease when: (a) his Reimbursement Account is depleted, (b) there have been no reimbursements made from his Reimbursement Account for at least six (6) months and the balance in his Reimbursement Account is less than five dollars (\$5.00), or (c) the Retired Participant has died and any and all of his Covered Dependents (as defined in Section 3.8) have died or are no longer classified as Covered Dependents (whichever first occurs), at which time the Retired Participant's Reimbursement Account will be forfeited to the Fund.

2.

Delete the first sentence of Section 2.6 of the Plan and substitute therefor the following sentence: "Only a Retired Participant (as defined in Section 2.5, as modified by Sections 2.7, 2.8(b) and 2.9) and his Covered Dependents (as defined in Section 3.8) are entitled to receive benefits from this Plan."

3.

Delete the last two sentences of Section 2.6 of the Plan and substitute therefor the following two sentences:

Notwithstanding this provision, a separation from service as an Eligible Employee of one participating Employer described in Section 2.3 and immediate

employment as an Eligible Employee by another participating Employer or immediate reemployment as an Eligible Employee by the same participating Employer is not considered a termination of employment for purposes of this Plan, and, under such circumstances, the Participant will remain a Participant and will be entitled to receive benefits from this Plan as though no termination of employment occurred, as long as the Participant otherwise meets the definition of a Retired Participant on his last day of service as an Eligible Employee of any participating Employer, as provided in Section 2.5 (but subject to Section 2.8(b)). For purposes of the preceding sentence, an individual is treated as having been immediately employed or reemployed by a participating Employer if his date of employment or reemployment is no more than 30 days after the date of his separation from service with his former Employer and the elections, if necessary, under Sections 2.1(a)(7) and 2.1(a)(8) have been timely made.

4.

Delete Section 2.8 of the Plan and substitute therefor the following Section 2.8:

Section 2.8 Subsequent State Employment of Former Participants and Retired Participants. In the case of a former Participant or a Retired Participant (in either case, a “reemployed employee”) who is employed by any State employer (including his former Employer) after a termination of his employment as determined under Section 2.6:

- (a) Former Participant. If the reemployed employee is a former Participant (not a Retired Participant), he will be treated as a new employee upon such employment and, if and when he again becomes an Eligible Employee as defined in Section 2.1(a), he will again become a Participant in accordance with Section 2.4. The balance of the reemployed employee’s Reimbursement Account upon such employment will be zero dollars.
- (b) Retired Participant. Notwithstanding any other provision of this Plan, if the reemployed employee is a Retired Participant, (1) subsection (a) above will apply except that the balance of his Reimbursement Account will not be zeroed out upon such employment; (2) the reemployed employee will not be treated as a Retired Participant during such employment (including, without limitation, for purposes of Section 3.1); and (3) upon his subsequent termination of employment as determined under Section 2.6, he will resume being a Retired Participant irrespective of whether or not he then qualifies as a Retired Participant under Section 2.5.

The Agency will have sole and complete discretion in applying this Section 2.8, including (without limitation) in determining whether or not a former Participant or a Retired Participant will be deemed to be a “reemployed employee” and the basis (including records, reports and/or other information) upon which such determination will be made.

5.

Effective July 1, 2015, add the word "Claims" before the word "Administrator" the first time that it appears in the first sentence of Section 3.2.

6.

If any term, covenant, or condition of this First Amendment, or the application thereof to any person or circumstance, shall to any extent be held to be invalid or unenforceable, the remainder of this First Amendment, or the application of any such term, covenant, or condition to persons or circumstances other than those as to which it has been held to be invalid or unenforceable, shall not be affected thereby, and, except to the extent of any such invalidity or unenforceability, this First Amendment and each term, covenant, and condition of this First Amendment shall be valid and shall be enforced to the fullest extent permitted by law.

7.

All other parts of the Plan not inconsistent herewith are hereby ratified and confirmed.

IN WITNESS WHEREOF, the Agency has caused this First Amendment to be executed this 22 day of May, 2017.

Agency:

Indiana State Budget Agency

By:



JASON D DODICH  
Name

Budget Director  
Title

Attest:

  
Name

Deputy Budget Director  
Title

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