

**PROPOSED 2005 PLAN LANGUAGE CHANGES FOR THE STATE OF WISCONSIN STATE AND LOCAL INCOME
CONTINUATION INSURANCE (ICI) PLANS**

Unless otherwise state, the proposed 2005 plan language changes apply to both the state and local plans.

Article/Section	Type of Change	Comments/Description
TERMS OF PLAN		
Article I § 1.02 – CONTRACTOR	New	Added language to define the entity under contract with the Group Insurance Board to administrate the ICI plan. Definition was previously in section 50 of the Contract.
Article I § 1.03 – EARNINGS	Deleted	Deleted earnings as a definition and included in § 2.15 INTEGRATED BENEFITS AND OFFSETS.
Article I § 1.04 – EMPLOYEE (State Plan only)	Revision	Deleted the reference to the Long-Term Disability Insurance (LTDI) plan and added a sentence to indicate that employee satisfies the eligibility criteria in the ICI plan as well as the Wisconsin Statutes.
Article I § 1.04 – EMPLOYEE (Local Plan only)	Revision	Deleted the reference to the Long-Term Disability Insurance (LTDI) plan.
Article I § 1.05 – EMPLOYER	Revision	Deleted the reference to the Long-Term Disability Insurance (LTDI) plan.
Article I §1.08 – LONG-TERM DISABILITY	Deleted	Deleted the separated definition for LONG-TERM DISABILITY and included in the TOTALLY DISABLED definition.
Article I § 1.09 – PHYSICIAN (Local Plan only)	Revision	Revised the wording to be the same as the State ICI plan language when indicating that the claimant is not included in the definition of a PHYSICIAN.
Article I §1.10 REGULAR CARE AND ATTENDANCE	Revision	Added the provision that treatment provided by a medical specialist (i.e., nurse practitioner, physician’s assistant, psychologist) other than a licensed medical doctor, doctor or osteopath or surgeon is acceptable but the certification of disability will need to be provided by the licensed medical

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		doctor, doctor of osteopath or surgeon.
Article I § 1.11 – RETURN TO FULL TIME EMPLOYMENT	Revision	Revised definition of return to full time employment while totally disabled under the long term provision to include an individual voluntarily choosing to accept other work for the same number of hours they were working prior to becoming disabled as a basis for the claim to be terminated.
Article I § 1.12 SUBSTANTIAL GAINFUL ACTIVITY	Revision	Clarifies the inclusion of gross earnings in the definition. Clarifies that earnings are taken into consideration based on the date of the check regardless of the period covered. The employee who works in the summer months but is paid the wages in previous months would have their ICI benefit reduced for those earnings based on the date of the earnings check. This is consistent with the other WRS disability programs.
Article I § 1.13 – SHORT TERM DISABILITY	Deleted	Deleted the separated definition for SHORT-TERM DISABILITY and included in the TOTALLY DISABLED definition.
Article I § 1.13 – TOTALLY DISABLED	New	Moved the definition of totally disabled, which includes short and long term disability from Article II –Enrollment and Benefit Provisions.
Article I § 1.14 – UWFACULTY PLAN (State Plan Only)	New	Added language to include the definition of the UW Faculty plan to differentiate from the State employee’s plan.
Article I § 1.15 SUPPLEMENTAL COVERAGE (Local Plan Only)	New	Added language to define the salary basis for the supplemental coverage approved by the Board. Supplement coverage is based on the annual salary amount that exceeds \$64,000.00 up to a maximum of \$120,000.00
Article I § 1.16 SUPPLEMENTAL COVERAGE (State	New	Added language to define the salary basis for the supplemental coverage approved by the Board.

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Plan Only)		Supplement coverage is based on the annual salary amount that exceeds \$64,000.00 up to a maximum of \$120,000.0
Article II § 2.01 (2) – Coverage	Clarification	Removed the word “actual” earnings from the language in this section and throughout the Plans where applicable, as benefits for both the State and Local ICI Plans are not based on “actual” earnings. For the State Plan, the majority of the benefits are determined using the base pay just prior to the first date of disability. The Local Plan uses the previous calendar year salary, which may not include earning that are not reportable to the Wisconsin Retirement System.
Article II § 2.02 – Initial Eligibility	Renumbered	Renumbered entire section to include the new SUPPLEMENTAL COVERAGE provisions.
Article II § 2.02 (2) – Initial Eligibility	Revision	Due to a recent appeal, included language that will require an employee who is employed at more than one employer or falls under a different ICI plan with a different elimination to file a separation ICI application for coverage for each position held.
Article II § 2.03 – Coverage after Initial Date of Eligibility	Renumbered	Renumbered entire section to include the new SUPPLEMENTAL COVERAGE provisions.
Article II § 2.03 (1) (a) – Coverage after Initial Date of Eligibility	Revision and Renumbered	Revised to indicate the employee is responsible for any charges for medical records and exams to approve coverage or benefits. The plan will only pay for exams if it is determined an independent medical exam is needed to determine if benefits are payable. Renumbered to § 2.03 (1) (b) to accommodate the new SUPPLEMENTAL COVERAGE language.
Article II § 2.03 (1) (a) – Coverage after Initial Date of	New	Added language to allow for application of SUPPLEMENTAL COVERAGE when the employee applies

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Eligibility		for the standard coverage via evidence of insurability.
Article II § 2.03 (2) (g)– Coverage after Initial Date of Eligibility (State Plan Only)	New	Added language to allow for application of SUPPLEMENTAL COVERAGE when the employee applies for the standard coverage through deferred coverage.
Article II § 2.03 (3) – Coverage after Initial Date of Eligibility	Clarification	Removed excessive wording. No change in the meaning.
Article II § 2.03 (3) – Coverage after Initial Date of Eligibility	New	Added language to allow for application of SUPPLEMENTAL COVERAGE.
Article II § 2.06 – Waiver of Premiums	Clarification	Reworded to include the reference to TOTALLY DISABLED due to the re-formatting of the plan language. No change in the meaning.
Article II § 2.07 (1) Termination of Coverage	Clarification	Reworded to include the reference to TOTALLY DISABLED due to the re-formatting of the plan language. No change in the meaning
Article II § 2.07 (2) (a)Termination of Coverage (State Plan Only)	New	Added language to allow for the employee to elect to cancel their SUPPLEMENTAL COVERAGE but continue to be covered for the standard coverage.
Article II § 2.07 (2) Termination of Coverage (Local Plan only)	Clarification	Reworded to include the reference to TOTALLY DISABLED due to the re-formatting of the plan language. No change in the meaning
Article II § 2.07 (3) (a)Termination of Coverage (Local Plan Only)	New	Added language to allow for the employee to elect to cancel their SUPPLEMENTAL COVERAGE but continue to be covered for the standard coverage.
Article II § 2.08 – Lapse of Coverage	Clarification	Reworded the current language, as it was confusing. No change in the meaning. If employee does not pay premiums when due, the coverage is lapsed.
Article II § 2.09 – Gross Monthly Premiums	Numbered and New	The section has been revised to have separate provisions rather than one paragraph. No change in the meaning.

Article/Section	Type of Change	Comments/Description
		Added language to address the gross monthly premiums for the SUPPLEMENTAL COVERAGE.
Article II § 2.10 – Employer Contributions (Local Plan Only)	New	Added language to indicate that the SUPPLEMENTAL COVERAGE will not have employer contributions. The employee is responsible for the premium for the SUPPLEMENTAL COVERAGE.
Article II § 2.10 (6) – Employer Contributions (State Plan Only)	New	Added language to indicate that the SUPPLEMENTAL COVERAGE will not have employer contributions. The employee is responsible for the premium for the SUPPLEMENTAL COVERAGE.
Article II § 2.11 – Employee Contributions (State Plan only)	Revision	<p>Revised this section to reference premium determination only.</p> <p>Deleted all reference to benefit determination and created a separate section pertaining to benefit determinations.</p> <p>Deleted the reference that premiums are based on earnings as reported to the Wisconsin Retirement System. Earnings, for premium determination do not include overtime earnings, which are reportable to the Wisconsin Retirement System.</p> <p>Added language to indicate this includes the premium amount for the SUPPLEMENTAL COVERAGE.</p>
Article II § 2.11 Employee Contributions (Local Plan Only)	Revision	<p>Revised this section to reference premium determination only.</p> <p>Deleted all reference to benefit determination and created a separate section pertaining to benefit determinations.</p> <p>Added language to indicate this includes the premium</p>

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		amount for the SUPPLEMENTAL COVERAGE.
<p>Article II § 2.13 Elimination Period (State Plan only)</p>	<p>Clarification and Change</p>	<p>Due to a recent appeal, revised language to provide separate qualifications for a State claimant and UW Faculty claimant.</p> <p>Added language to allow the contractor to adjust an elimination period if the employee returns to work during the elimination period to complete incidental work functions. This scenario will not require the individual to start the elimination period over.</p> <p>Revised wording to base the first day of the elimination period on the day after the last day worked or the date the physician indicates the individual is disabled according to the Plan provision, whichever is later. This was changed due to recent appeal denying ICI benefits because the individual didn't receive treatment prior to terminating their employment but had been under treatment for the medical condition prior to the termination.</p> <p>Reworded effective date of disability to first date of disability, as this is the current language used in the industry, in this section and through out the entire Plan language where applicable.</p>
<p>Article II § 2.13 Elimination Period (Local Plan only)</p>	<p>Clarification and Change</p>	<p>Added language to allow the contractor to adjust an elimination period if the employee returns to work during the elimination period to complete incidental work functions. This scenario will not require the individual to start the elimination period over.</p> <p>Revised wording to base the first day of the elimination</p>

Article/Section	Type of Change	Comments/Description
		<p>period on the day after the last day worked or the date the physician indicates the individual is disabled according to the Plan provision, whichever is later. This was changed due to recent appeal denying ICI benefits because the individual didn't receive treatment prior to terminating their employment but had been under treatment for the medical condition prior to the termination.</p> <p>Reworded effective date of disability to first date of disability, as this is the current language used in the industry, in this section and through out the entire Plan language where applicable.</p>
Article II § 2.135 Maximum Use of Sick Leave (State Plan only)	Clarification	Reworded the current language to indicate the claimant may not be required to use more than 130 working days of sick leave. No change in the meaning.
Article II § 2.14 Alternate Proof of Total Disability	Revision	<p>Revised the title of the section due to defining totally disabled under Article I, definitions. The section only refers to approving ICI benefits based on the approval for WRS disability benefits under § 40.63, Stats., §ETF 50.40, Wis. Admin. Code or Social Security disability benefit.</p> <p>Revised wording to allow for initial approval of either ICI short term or long-term disability benefits based on the approval of the above disability benefits as long as the claimant's ICI coverage is still in effect.</p>
Article II § 2.15 Integrated Benefits	Revision	Added Offsets to the title of section to show the application of integrated benefits to offset for anyone referring to the Plan language.
Article II § 2.15 (1)	Clarification	Clarifies requesting the claimant to apply and complete the application or claim process for which they may be eligible.

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		<p>Revised reference specifically to the Social Security Disability and Wisconsin Retirement System disability and retirement plans only when referring to State and Federal disability and retirement plans as the offset. This change is made through out this section when referencing State and Federal plans. Military or other retirement system pensions have never been offset from the ICI benefit.</p>
<p>Article II § 2.15 (1) (b)</p>	<p>Clarification</p>	<p>Due to a recent appeal, the language has been revised to specify the requirement that a claimant apply, reapply or otherwise pursue all other benefits and if not done or incomplete, the ICI benefit will be reduced by those benefits.</p> <p>Included language to indicate that the offset will not be reduced, changed or stopped because of failure to provide the claimant with administrative review rights under the other programs.</p>
<p>Article II §2.15(2)(d)</p>	<p>Clarification</p>	<p>Clarifies procedure of offsetting any social security benefits paid from the claimant’s social security earnings record. ICI benefits will be adjusted when Social Security Administration discontinues paying the dependent benefit.</p>
<p>Article II §2.15(2)(f)</p>	<p>Revision</p>	<p>Added the word “sanctioned” to employer sponsored salary continuation plan</p>
<p>Article II §2.15(2)(g) (State Plan only)</p>	<p>Revision and Clarification</p>	<p>Revised the wording to identify what wages and salary will be included as an offset. Previously earnings was indicated in Article I, Definitions. No change to the meaning.</p> <p>Clarified that earnings paid for vacation, holiday time, and compensatory time, which are paid after the elimination period but prior to returning to part time employment, would be offset at 100%.</p>

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Article II §2.15(2)(g) (Local Plan Only)	Revision and Clarification	<p>Revised the wording to identify what wages and salary will be included as an offset. Previously earnings definition was indicated in Article I, Definitions. No change to the meaning.</p> <p>Clarified that earnings paid for vacation, holiday time, and compensatory time, which are paid after the elimination period but prior to returning to part time employment, would be offset at 100%.</p> <p>Revised the plan language for offsetting earnings paid for vacation, holiday time, and compensatory time at 75% when the claimant returns to the prior employer. This is consistent with the State Plan.</p>
Article II §2.15(3)	Clarification	Included clarification on the repayment of an ICI overpayment consistent with §40.08 (4), Wis. Stats. which requires the claimant, representative, beneficiary or estate as being responsible for repaying outstanding payment.
Article II § 2.15 (4)	Revision	Due to a recent appeal, revised the language to permanently reduce the ICI benefit by the gross amount of the Social Security and other applicable WRS benefits. Changes to the ICI offset will be made do to computation correction errors, late reported earnings and adjusted LTDI or duty disabilities that are being reduced by the same offsets as the ICI benefit (i.e. both benefits offset for SSDI, WRS disability WC temporary disability benefits, earnings, etc.) If the claimant is receiving disability benefits from multiple sources and those sources have the same other income offset provision, the offset to the ICI benefit will be reduced for the duplicate offset.
Article II	Deleted	Deleted the reference to treatment of Qualified Domestic

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§2.15(4)(a)		<p>Relation Order (QDRO) as the QDRO doesn't affect how the ICI benefit is reduced. This was taking the entire account to offset rather than the account split due to the QDRO.</p> <p>ICI offset is the straight life option amount based on actual Wisconsin Retirement System funds payable to the claimant.</p>
Article II § 2.15 (4) (b)	Renumbered	Renumbered to §2.14(5). Other subsections of § 2.14 renumber appropriately.
Article II § 2.15 (5)	Revision	Due to a change in the Social Security Administration (SSA) procedures for withholding approved attorney fees from the retroactive SSDI benefits, plan language is revised to allow the proof of the payment to be provided by SSA or the claimant. The ICI overpayment amount is reduced because of the approved attorney fees.
Article II § 2.15 (8)	Clarification	<p>Clarified existing practicing of offsetting for WRS and SSA retirement benefits if the claimant is receiving them.</p> <p>Clarified that if the claimant is eligible for a non-reduced retirement benefit, the ICI benefit would be offset by the amount received or an estimated amount the claimant would have received if an application was submitted. The WRS non-reduced benefit is based on the formula calculation, which provides a full benefit due to the claimant at the normal retirement age for their employment category.</p>
Article II § 2.16 (1) Benefit Payments	Revision	Revised language to specify 75% as the percentage paid for ICI benefits less applicable offsets.
Article II § 2.16 (3) and (6) (State Plan only)	Revision	<p>Revised language to remove the reference to biweekly benefits for Short Term Disability benefit</p> <p>Add language in (6) to address the proration of a partial month payment. Language is the same as the Local Plan</p>

Article/Section	Type of Change	Comments/Description
		language. Added the maximum benefit of \$7500.00 for the SUPPLEMENTAL COVERAGE.
Article II § 2.16 (5)	Revision	Revised language to refer to the claimant's own position to be consistent with the definition of totally disabled for the first 12 months. This section refers to a medical condition not be included in the determination when the employee can return to their prior position if the employer had previously made accommodations for that medical condition.
Article II § 2.16 (7) (State Plan only)	Deleted	Deleted the reference to prorating the partial month payment as it is addressed in § 2.16 (6).
Article II § 2.16 (8) (State Plan only)	Deleted	Deleted the reference that after 12 months the benefit will be paid monthly. No longer needed since both short and long-term disability benefits are being paid monthly.
Article II § 2.16 (9) (State Plan only)	Renumber and Revision	Renumbered to § 2.16 (7). Revised to include overpayments due to mistakes and also that in addition to the claimant, claimant's legal representative, the estate is responsible for repaying overpayments to the ICI fund.
Article II § 2.16	Revision and Renumbered	Revised all of the local plan language for Benefit Payments to be consistent with the State plan language. Since the State plan no longer pays short term disability benefit on a biweekly basis, the language and numbering should be consistent.
Article II § 2.165 Earnings Defined for Determination of Benefit Payments (State Plan only)	Revision	Revised entire section to reference benefit determinations only. Remove any reference to premium determinations from this section.
Article II § 2.165 (1) (State Plan only)	Clarification	Clarifies determination of ICI benefits on the last complete payroll period prior to the first date of disability.

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		Excluded the language “and reported to the Wisconsin Retirement System”. The employer reports the information to the plan administrator.
Article II § 2.165 (2) (State Plan only)	Revision	Revised the current language which references section 2.11(2), to include the actual language for earnings basis for ICI benefits for an employee who is employed as a project, LTE, seasonal or academic year.
Article II § 2.165 (3) (State Plan only)	New	<p>Added the language from section 2.11(2), to indicate that the new benefit basis for a new employee or where there was a change in the employee’s percentage of appointment is based on a projected basis.</p> <p>Included language that the adjusted percentage must be in effect for a complete pay period before that new earnings basis can be used in determining an ICI benefit.</p>
Article II § 2.165 (4) (State Plan only)	Renumbered	Renumbered from (3) and revised language to remove “actual” State earnings as most ICI benefit basis do not include overtime pay.
Article II § 2.165 (Local Plan only)	New	Created this section to be consistent with the State Plan. All language from section 2.11 was brought forward to define the ICI benefit basis.
Article II § 2.165 (1) (Local Plan only)	New	Addresses the earnings calculation to determine the average monthly earnings used for the ICI benefit basis.
Article II § 2.165 (2) (Local Plan only)	New	Addresses the earnings calculation to determine the average monthly earnings used for the ICI benefit basis if there was an interruption extending 3 consecutive months or the employee is newly hired. The ICI benefit is based on a projected average monthly salary.
Article II § 2.165 (3) (Local Plan only)	New	Addresses the salary that is to be used if there is a change in the employee’s appointment. Language is consistent with

Article/Section	Type of Change	Comments/Description
		the State ICI Plan.
Article II § 2.165 (4) (Local Plan only)	New	New language indicates that the ICI benefits are available and paid to insured Local employees for WRS covered earnings lost as a result of disability. This is consistent with the State ICI Plan language.
Article II § 2.17 Duration of Benefits	Re-titled	Section has be titled Continued Proof of Disability to more appropriately describe the provisions in this section.
Article II § 2.17 (1)	Clarification	Clarified that benefits for the first 12 months of disability are payable for the period beginning the day after the elimination period is served and continues for 12 months from the first date of disability. No benefits are paid for the elimination period.
Article II § 2.17 (1)(a) – (5)	Revision	Any reference to a word or phase defined is to be capitalized in the Plan language. Throughout the subsections capitalized RETURN TO FULL TIME EMPLOYMENT.
Article II § 2.17 (5)	Clarification	Clarified plan language to indicate that if the claimant returned to full time employment during short or long term disability, the ICI benefit will be terminated.
Article II § 2.17 (6)	New and Renumbered	Created a new subsection, which specifically indicated that if the individual is capable of returning to SUBSTANTIAL GAINFUL ACTIVITY, this was cause for termination of the ICI benefit. Renumbered the remaining subsection.
Article II § 2.17 (8)	Revision	Plan language was revised to support policy and procedure of denying, suspending or terminating an ICI benefit if the necessary information was not received by the plan administrator within 90 days of the initial request.
Article II § 2.17 (9)	Revision	Revised to address the calculation of estimated earnings offset for a claimant who has returned to part time employment and one who is capable of returning to part time

Article/Section	Type of Change	Comments/Description
		<p>employment.</p> <p>A claimant who has been released to return to part time employment but doesn't will have the ICI benefit reduced based on an estimated earnings offset. The offset is calculated based on the number of hours released (by the physician) times the hourly rate in effect at the time the disability occurred.</p> <p>A claimant who has been released to return to part time employment, returns to part time but doesn't receive pay for the number of hours released by the physician will have the estimated offset calculated based on the current hourly rate times the number of hours released.</p>
Article II § 2.17 (10)	New	Subsection referring to reasonable medical updates was moved from subsection 2.14. No change in the meaning.
Article II § 2.17 (10) (a)	New	<p>Created language to address the requirement for medical updates if the claimant is receiving a disability benefit from Wisconsin Retirement System (WRS) and Social Security Administration (SSA).</p> <p>If the claimant is receiving disability benefits from both WRS and SSA, annual medical updates will not be required. If receiving disability benefits from only one disability program, the annual medical updates will continue. If either the WRS or SSA disability benefit ceases, the third party administrator will request medical to determine if the claimant still meets the ICI plan provisions.</p>
Article II § 2.175 (1) (a) and (b)Return to work with	Clarification and New	Clarifies language to support offsetting the gross earnings, prior to taxes or other deductions, from the ICI benefit based

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Prior Employer		<p>on the date of the gross earnings check or payment.</p> <p>Created language to address the calculation of estimated earnings offset for a claimant who has returned to part time employment and one who is capable of returning to part time employment.</p> <p>A claimant who has been released to return to part time employment but doesn't will have the ICI benefit reduced based on an estimated earnings offset. The offset is calculated based on the number of hours released (by the physician) times the hourly rate in effect at the time the disability occurred.</p> <p>A claimant who has been released to return to part time employment, returns to part time but doesn't receive pay for the number of hours released by the physician will have the estimated offset calculated based on the current hourly rate times the number of hours released.</p>
Article II § 2.175 (2)(State Plan only)	Revision	Revised language to indicate if the claimant is no longer totally disabled, the claim would be terminated.
Article II § 2.175 (2)(Local Plan only)	Revision and Renumbered	<p>Revised language to indicate if the claimant is no longer totally disabled, the claim would be terminated.</p> <p>Renumbered to be consistent with the State ICI plan.</p>
Article II § 2.18 (1) Rehabilitative Training	Revision	<p>Revised the existing Plan language to indicate the Department must approve in writing in advance any individualize rehabilitative plan.</p> <p>Added that plans approved by the Wisconsin Division of Vocation Rehabilitation are excepted as approved rehab</p>

Article/Section	Type of Change	Comments/Description
		plans by the Department.
Article II § 2.18 (6)	Clarification	Clarifies existing language if a claimant is physically and mentally capable of rehabilitative training but refuses to continue to participate once commenced the ICI claim will be terminated.
Article II § 2.18 (7)	Clarification	Clarifies language to support existing practice of offsetting earnings received from rehabilitative training based on the date of the check or payment date.
Article II § 2.18 (8)	New	Created language that specifically eliminates a return to work with the prior employer in the same or equivalent as being treated as rehabilitation. Return to work with the prior employer is covered under § 2.175.
Article II § 2.21 (2) Claims Procedures	Revision	<p>Revised language to allow the claimant's representative to file a claim on their behalf.</p> <p>Revised language to remove the time limit of filing a claim within 30 days from the first date of disability or as reasonably possible.</p> <p>Revised language to allow for a claim to be submitted no more than 30 days prior to the last day worked. Some claims were be submitted months prior to when a surgery would be scheduled.</p>
Article II § 2.21 (4)	Revision	Revised language to support the current procedure of having the Employer Statement electronically sent to the Department and processed by the Contractor. Previously, the form was sent directly to the Contractor and not imaged into the claimant's file until a later date.
Article II § 2.21 (5) (a)-(c)	Clarification	Clarified language to support existing practice of allowing a claimant the right to request reconsideration if they disagree with any information provided when the claim is approved.

Article/Section	Type of Change	Comments/Description
Table I, II and III – (State Plan only)	Revised	<p>Revised chart to include salary and premiums for maximum benefits. Current chart stops at \$4000 monthly salary that does not correspond to a \$4000 maximum ICI benefit (\$64,000 annual salary)</p> <p>Revised chart to include salary and premiums for ICI supplemental coverage (up to a maximum annual salary of \$120,000).</p>
Table I (Local Plan only)	Revised	<p>Deleted the premium rates that were in effect prior to 3/1/02.</p> <p>Revised to include premiums for ICI supplemental coverage.</p>
Table II Gross Monthly Premiums (Local Plan only)	New	<p>Added the table for the gross monthly premiums including premiums for the supplemental coverage.</p>