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**HOUSE BILL NO. 1960**

Offered January 14, 2009

Prefiled January 13, 2009

*A BILL to amend and reenact § 9.1-401 of the Code of Virginia, relating to the Line of Duty Act; continued health insurance coverage.*

Patrons—Mathieson and Shannon

Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:****1. That § 9.1-401 of the Code of Virginia is amended and reenacted as follows:**

§ 9.1-401. Continued health insurance coverage for disabled persons, their spouses and dependents, and for the surviving spouse and dependents of certain deceased law-enforcement officers, firefighters, etc.

A. The surviving spouse and any dependents of a deceased person shall be afforded continued health insurance coverage, the cost of which shall be paid in full out of the general fund of the state treasury.

B. If the disabled person's disability (i) occurred while in the line of duty as the direct or proximate result of the performance of his duty or (ii) was subject to the provisions of §§ 27-40.1, 27-40.2, 51.1-813 or § 65.2-402, and arose out of and in the course of his employment, the disabled person, his surviving spouse and any dependents shall be afforded continued health insurance coverage. The cost of such health insurance coverage shall be paid in full out of the general fund of the state treasury.

C. The continued health insurance coverage provided by this section shall be the same plan of benefits which the deceased or disabled person was entitled to on the last day of his active duty or comparable benefits established as a result of a replacement plan.

D. For any spouse, continued health insurance provided by this section shall terminate upon such spouse's death or coverage by alternate health insurance.

E. For dependents, continued health insurance provided by this section shall terminate upon such dependent's death, marriage, coverage by alternate health insurance or twenty-first birthday. Continued health care insurance shall be provided beyond the dependent's twenty-first birthday if the dependent is a full-time college student and shall continue until such time as the dependent ceases to be a full-time student or reaches his twenty-fifth birthday, whichever occurs first. Continued health care insurance shall also be provided beyond the dependent's twenty-first birthday if the dependent is mentally or physically disabled, and such coverage shall continue until three months following the cessation of the disability.

F. For any disabled person, continued health insurance provided by this section shall automatically terminate upon the disabled person's death, recovery or return to full duty in any position listed in the definition of deceased person in § 9.1-400.

G. No agency, department, or locality employing the disabled employee or any otherwise qualified beneficiary of a deceased employee shall (i) terminate membership in any health care plan in place for such employee or beneficiary, or (ii) refuse to reenroll or otherwise continue health care coverage for such employee or beneficiary upon notification by the Office of the Comptroller that the requirements of subsection A or B have been satisfied.

INTRODUCED

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