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SENATE BILL NO. 202

Offered January 8, 2020

Prefiled December 30, 2019

*A BILL for the relief of Jack Anthony Maxwell.*_____
Patron—Peake_____
Referred to Committee on Finance and Appropriations

Whereas, Jack Anthony Maxwell (Mr. Maxwell) was an employee of the Virginia Department of Social Services in the Division of Child Support Enforcement from January 1, 1991, until June 30, 2013, serving for over 23 years; and

Whereas, Mr. Maxwell began his career as a Special Counsel and retired as a Senior Assistant Attorney General; and

Whereas, Mr. Maxwell's health declined while in service to the Commonwealth, he experienced multiple kidney failures, and in May 2013 he began regular dialysis treatments; and

Whereas, because Mr. Maxwell had end-stage renal disease, he was eligible for Medicare; and

Whereas, Mr. Maxwell's decline in health prompted him to apply for retirement based on disability; and

Whereas, at the time of his application for retirement based on disability, there was only one Medicare plan available to new retirees; and

Whereas, based on his conversations with Virginia Department of Human Resource Management staff, Mr. Maxwell believed he was advised that he was ineligible for the plan because it was a Medicare Advantage Plan and also that there was no supplemental Medicare plan available for new retirees; and

Whereas, Mr. Maxwell believed he had no choice but to obtain health insurance coverage under his wife's insurance plan; and

Whereas, Mr. Maxwell has maintained continuous health care coverage but is currently covered under a Consolidated Omnibus Budget Reconciliation Act (COBRA) plan, which is expensive and soon will expire; and

Whereas, Mr. Maxwell attempted to purchase a supplemental Medicare plan but was unable to do so because Virginia, along with 16 other states, does not require providers of Medigap plans to insure people who are under age 65; and

Whereas, Mr. Maxwell is unable to obtain health insurance coverage under the Affordable Care Act because he is covered by Medicare; and

Whereas, Mr. Maxwell sought assistance from both the Department of Human Resource Management and the Virginia Retirement System but was advised that due to the provisions of subsection B of § 51.1-1405 of the Code of Virginia, which prohibits an employee who leaves the state retiree health plan from reentering it, he was ineligible for the plan; and

Whereas, Virginia does not pay for Medicare Advantage plans but makes them available to retirees who participate in the state health plan; and

Whereas, Mr. Maxwell did not knowingly waive participation in the health plan at the time of his disability retirement, nor did he knowingly waive his option to purchase a supplemental plan; and

Whereas, Mr. Maxwell honorably served the Commonwealth in its courts and the federal courts, helping children and their parents for over 23 years; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That notwithstanding the provisions of subsection B of § 51.1-1405 of the Code of Virginia, the Department of Human Resource Management and the Virginia Retirement System shall allow Jack Anthony Maxwell to participate in the retiree health benefits program provided pursuant to subsection E of § 2.2-2818 of the Code of Virginia, regardless of his election not to participate in the program within 31 days of his effective date of retirement; provided that he shall not be allowed to participate until he has executed a release of all claims he may have against the Commonwealth or any agency, office, or employee thereof in connection with the aforesaid occurrence.

INTRODUCED

SB202