

LD0166728

SENATE BILL NO. 122

Offered January 19, 1994

A *BILL to amend the Code of Virginia by adding sections numbered 2.1-20.1:03 and 2.1-20.1:04, relating to continued health insurance coverage.*

Patrons—Robb, Benedetti, Calhoun, Chichester, Miller, K.G., Norment, Potts, Stosch and Trumbo;
Delegates: Albo and Way

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 2.1-20.1:03 and 2.1-20.1:04 as follows:

§ 2.1-20.1:03. *Purchase by the Commonwealth or the locality of continued health insurance coverage for any law-enforcement officer, correctional officer, or jail officer who becomes permanently and totally incapacitated while in the line of duty .*

A. *The Commonwealth or the locality shall purchase continued health insurance coverage for any "law-enforcement officer" as defined in § 9-169 or "correctional officer" or "jail officer" as defined in § 53.1-1 who, while in the line of duty, is injured as defined in § 65.2-101 by accident or by occupational disease as defined in § 65.2-400, upon proper application to the Department of Personnel and Training by such officers, on the following conditions: (i) on the date of the injury, the injured participated in a health insurance plan administered by the Department of Personnel and Training pursuant to § 2.1-20.1 or § 2.1-20.1:02; (ii) the injury occurred in the line of duty as the direct or proximate result of the performance of his duty as a law-enforcement officer, a correctional officer, or a jail officer; and (iii) the injury resulted in permanent and total incapacity as defined in subsection C of § 65.2-503.*

B. *If subsection A above applies, the Commonwealth or the locality shall purchase continuing coverage hereunder for the injured's spouse and any dependents who were included in clause (i) above on the date of injury.*

C. *Any application to obtain continued health insurance coverage hereunder shall be made in writing to the Department of Personnel and Training within sixty days of the date of injury. The time for making application may be extended by the Department for good cause shown.*

1. *In addition to any necessary information requested by the Department, the application shall state whether the conditions set forth in subsection A above have been met.*

2. *Within ten days of receipt of the application, the Department shall notify the applicant's employer that such application was made.*

3. *Within ten days of receipt of the application notice, the employer shall verify in writing to the Department whether the conditions set forth in subsection A above have been met.*

4. *If the employer states that such conditions have been met, the Department shall approve the application and so notify the applicant within ten days of receipt of the employer's response.*

5. *If the employer states such conditions have not been met, the Department shall schedule, within thirty days of receipt of the employer's response, an informal fact-finding conference or consultation with the applicant and the employer pursuant to § 9-6.14:11 of the Administrative Process Act.*

6. *Upon scheduling the conference or consultation, the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) shall apply thereafter.*

D. *The injured's employer, that is, either the Commonwealth or the locality, shall pay all the cost of continued health insurance coverage hereunder. Coverage shall be effective retroactive to the date of injury.*

E. *The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the Department of Personnel and Training. The Department may increase the cost of coverage consistent with its administration of health insurance plans under § 2.1-20.1 or § 2.1-20.1:02.*

F. *Any continued health insurance coverage purchased hereunder by the Commonwealth or the locality shall automatically terminate upon occurrence of any one of the following: (i) death of the injured (unless § 2.1-20.1:04 applies), (ii) alternate health insurance coverage being obtained, or (iii) any applicable condition outlined in the policies and procedures of the Department of Personnel and Training governing health insurance plans administered pursuant to § 2.1-20.1 or § 2.1-20.1:02.*

§ 2.1-20.1:04. *Purchase by the Commonwealth or the locality of continued health insurance coverage for the surviving spouse and any dependents of any law-enforcement officer, correctional officer, or jail*

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60 officer who dies while in the line of duty.

61 A. The Commonwealth or the locality shall purchase continued health insurance coverage for the
62 surviving spouse and any dependents of any "law-enforcement officer" as defined in § 9-169 or
63 "correctional officer" or "jail officer" as defined in § 53.1-1 who dies while in the line of duty, upon
64 proper application to the Department of Personnel and Training by such spouse and dependents, on the
65 following conditions: (i) on the date of his death, the deceased participated in a health insurance plan
66 administered by the Department of Personnel and Training pursuant to § 2.1-20.1 or § 2.1-20.1:02; (ii)
67 on the date of the deceased's death, the applicants were included in the health insurance plan in clause
68 (i) above; and (iii) the deceased's death occurred while in the line of duty as the direct or proximate
69 result of the performance of his duty as a law-enforcement officer, a correctional officer, or a jail
70 officer. Such death caused by hypertension or heart disease shall be deemed the direct or proximate
71 result of the performance of his duty unless such presumption is overcome by a preponderance of
72 evidence to the contrary.

73 B. Any application to purchase continued health insurance coverage hereunder shall be made in
74 writing to the Department of Personnel and Training within sixty days of the date of the deceased's
75 death. The time for making application may be extended by the Department for good cause shown.

76 1. In addition to any necessary information requested by the Department, the application shall state
77 whether the conditions set forth in subsection A above have been met.

78 2. Within ten days of receipt of the application, the Department shall notify the deceased's employer
79 that such application was made.

80 3. Within ten days of receipt of the application notice, the employer shall verify in writing to the
81 Department whether the conditions set forth in subsection A above have been met.

82 4. If the employer states that such conditions have been met, the Department shall approve the
83 application and so notify the applicant within ten days of receipt of the employer's response.

84 5. If the employer states that such conditions have not been met, the Department shall schedule,
85 within thirty days of receipt of the employer's response, an informal fact-finding conference or
86 consultation with the applicant and the employer pursuant to § 9-6.14:11 of the Administrative Process
87 Act.

88 6. Upon scheduling the conference or consultation, the provisions of the Administrative Process Act
89 (§ 9-6.14:1 et seq.) shall apply thereafter.

90 C. The deceased's employer, that is, either the Commonwealth or the locality, shall pay all the cost
91 of continued health insurance coverage hereunder. Coverage shall be effective retroactive to the date of
92 the deceased's death.

93 D. The terms, conditions, and costs of continued health insurance coverage purchased hereunder
94 shall be subject to administration by the Department of Personnel and Training. The Department may
95 increase the cost of coverage consistent with its administration of health insurance plans under
96 § 2.1-20.1 or § 2.1-20.1:02.

97 E. For the surviving spouse, continued health insurance coverage purchased hereunder by the
98 Commonwealth or the locality shall automatically terminate upon occurrence of any of the following: (i)
99 death, (ii) remarriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable
100 condition outlined in the policies and procedures of the Department of Personnel and Training
101 governing health insurance plans administered pursuant to § 2.1-20.1 or § 2.1-20.1:02.

102 F. For any surviving dependents, continued health insurance coverage purchased hereunder by the
103 Commonwealth or the locality shall automatically terminate upon occurrence of any of the following: (i)
104 death; (ii) marriage; (iii) alternate health insurance coverage being obtained; (iv) attaining the age of
105 twenty-one, unless the dependent is a full-time college student, then age twenty-five; or (v) any
106 applicable condition outlined in the policies and procedures of the Department of Personnel and
107 Training governing health insurance plans administered pursuant to § 2.1-20.1 or § 2.1-20.1:02.