

LD7930728

SENATE BILL NO. 122

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws
on February 2, 1994)

(Patron Prior to Substitute—Senator Robb)

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.*

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 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 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 by accident, 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 shall purchase continuing coverage hereunder for the injured's spouse and any dependents who were included in clause A (i) above on the date of injury.*

C. *Any application to obtain continued health insurance coverage hereunder shall be made in writing to the employing agency within 120 days of the date of injury.*

1. *In addition to any necessary information requested by the Department of Personnel and Training, 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 employer shall send the application to the Department and verify in writing whether the conditions set forth in subsection A above have been met.*

3. *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.*

4. *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.*

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

D. *The Commonwealth shall pay all the costs 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 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 of continued health insurance coverage for the surviving spouse and any dependents of any law-enforcement officer, correctional officer, or jail officer who dies while in the line of duty.*

A. *The Commonwealth shall purchase continued health insurance coverage for the surviving spouse and any dependents of any "law-enforcement officer" as defined in § 9-169 or "correctional officer" or "jail officer" as defined in § 53.1-1 who dies while in the line of duty, on the following conditions: (i) on the date of his death, the deceased 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) on the date of the deceased's death, the applicants were included in the health insurance plan in clause (i) above; and (iii) the deceased's death occurred while 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.*

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60 *B. Any application to purchase continued health insurance coverage hereunder shall be made in*
61 *writing to the employing agency within 120 days of the date of the deceased's death.*

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

64 *2. Within ten days of receipt of the application, the employer shall send the application to the*
65 *Department and verify in writing to the Department whether the conditions set forth in subsection A*
66 *above have been met.*

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

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

73 *5. Upon scheduling the conference or consultation, the provisions of the Administrative Process Act*
74 *(§ 9-6.14:1 et seq.) shall apply thereafter.*

75 *C. The Commonwealth shall pay all the costs of continued health insurance coverage hereunder.*
76 *Coverage shall be effective retroactive to the date of the deceased's death.*

77 *D. The terms, conditions, and costs of continued health insurance coverage purchased hereunder*
78 *shall be subject to administration by the Department of Personnel and Training. The Department may*
79 *increase the cost of coverage consistent with its administration of health insurance plans under*
80 *§ 2.1-20.1 or § 2.1-20.1:02.*

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

86 *F. For any surviving dependents, continued health insurance coverage purchased hereunder by the*
87 *Commonwealth shall automatically terminate upon occurrence of any of the following: (i) death, (ii)*
88 *marriage, (iii) alternate health insurance coverage being obtained, or (iv) any applicable condition*
89 *outlined in the policies and procedures of the Department of Personnel and Training governing health*
90 *insurance plans administered pursuant to § 2.1-20.1 or § 2.1-20.1:02.*

91 **2. That eligibility under the provisions of this act shall be retroactive to January 1, 1989; however,**
92 **no financial obligation of the Commonwealth shall begin except in due course.**

93 **3. That all sums appropriated by the Commonwealth pursuant to this act shall be administered by**
94 **the Department of Personnel and Training.**