

LD6143825

SENATE BILL NO. 621

Offered January 11, 1995

Prefiled December 30, 1994

A BILL to amend and reenact § 15.1-7.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.1-20.1:03, relating to continued health insurance coverage.

Patrons—Robb; Delegate: Way

Referred to the Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-7.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.1-20.1:03 as follows:

§ 2.1-20.1:03. 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 is killed 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 is killed in the line of duty, on the following conditions: (i) on the date of his death, the officer participated in a health insurance plan administered by the Department of Personnel and Training (the "Department") pursuant to § 2.1-20.1 or § 2.1-20.1:02; (ii) on the date of the officer's death, the applicant was covered under the deceased's health insurance plan; and (iii) the officer was killed 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. Such death caused by hypertension or heart disease shall not be deemed the direct or proximate result of the performance of his duty unless such presumption is overcome by a preponderance of evidence to the contrary.

B. Any application to purchase continued health insurance coverage hereunder shall be made in writing to the employing agency within 120 days of the date of the officer's death. The process for filing such application shall be as follows:

1. In addition to any necessary information that may be 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 employer shall send the application to the Department and verify in writing to the Department 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 that 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.

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

D. The terms, conditions, and costs of continued health insurance coverage purchased hereunder shall be subject to administration by the Department. 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.

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

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

§ 15.1-7.3. Insurance for employees and retired employees of local governments and other local governmental entities.

INTRODUCED

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60 A. The governing body of every county, city, or town may provide for their officers and employees,
61 and employees of boards, commissions, agencies and authorities created by or controlled by such
62 county, city or town, group life, accident, and health insurance programs. Such programs may be
63 through a program of self-insurance, purchased insurance, or partial self-insurance and purchased
64 insurance, whichever is determined to be the most cost effective. The total cost of such policies or
65 protection may be paid entirely by the local government or shared with the employee. The governing
66 body of every county, city, and town may provide for its retired officers and retired employees to be
67 eligible for such group life, accident, and health insurance programs. The cost of such insurance for
68 retired officers and retired employees may be paid in whole or in part by the locality.

69 B. *The governing body, when providing this coverage, shall provide for the purchase of continued*
70 *coverage hereunder by the surviving spouse and any dependents of any "law-enforcement officer" as*
71 *defined in § 9-169 or "correctional officer" or "jail officer" as defined in § 53.1-1 who is killed in the*
72 *line of duty, on the following conditions: (i) on the date of his death, the officer participated in a health*
73 *insurance plan administered by the local governing body pursuant to this section; (ii) on the date of the*
74 *officer's death, the applicant was covered under the officer's health insurance plan; and (iii) the officer*
75 *was killed in the line of duty as the direct or proximate result of the performance of his duty as a*
76 *law-enforcement officer, a correctional officer, or a jail officer. Such death caused by hypertension or*
77 *heart disease shall not be deemed the direct or proximate result of the performance of his duty unless*
78 *such presumption is overcome by a preponderance of evidence to the contrary. The local governing*
79 *body and the applicant shall follow procedures consistent with § 2.1-20.1:03 and shall be subject to the*
80 *terms and conditions of § 2.1-20.1:03 with regard to such continued health insurance coverage. The*
81 *Commonwealth shall pay all the costs of continued health insurance coverage hereunder. Coverage shall*
82 *be effective retroactive to the date of the officer's death.*

83 C. In the event a county or city elects to provide one or more of such programs for its officers and
84 employees, it shall provide such programs to the constitutional officers and their employees on the same
85 basis as provided to other officers and employees, unless the constitutional officers and employees are
86 covered under a state program, and the cost of such local program shall be borne entirely by the locality
87 or shared with the employee.

88 D. Except as otherwise provided herein, in the event the governing body of any county, city or town
89 elects to provide group accident and health insurance for its officers and employees, including
90 constitutional officers and their employees, such programs shall require that upon retirement, or upon the
91 effective date of this provision for those who have previously retired, any such individual with (i) at
92 least fifteen years of continuous employment with the county, city, or town, or (ii) less than fifteen
93 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his
94 coverage with the insurer at the retiree's expense until such individual attains sixty-five years of age at
95 the insurer's customary premium rate applicable: (i) to such policies, (ii) to the class of risk to which the
96 person then belongs, and (iii) to his age.

97 E. The governing body, when providing this coverage, may further provide that the retiree be rated
98 separately from the active employees covered under the group plan offered by such governing body. The
99 provisions of the preceding paragraph shall not apply in any jurisdiction with a population of less than
100 30,000 which has made a written determination, following bona fide attempts to obtain such coverage
101 for retirees, that (i) such coverage is not commercially available for retirees as a separately rated group
102 or class and (ii) inclusion of retirees in the group or class of active employees would have the effect of
103 materially increasing premium rates applicable to the group or class of active employees.

104 F. Nothing herein shall prohibit a local governing body from providing group accident and health
105 coverage or benefits for its retirees in addition to that which is required under this section.

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

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