

LD3243728

SENATE BILL NO. 621

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 2, 1995)

(Patron Prior to Substitute—Senator Robb)

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

Be it enacted by the General Assembly of Virginia:

1. That 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 certain law-enforcement officers or correctional officers 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 employed by the Commonwealth or "correctional 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; (ii) on the date of the officer's death, the Commonwealth was responsible for payment of the employer's share of the premium for the officer's health insurance coverage; (iii) on the date of the officer's death, the applicant was covered under the deceased's health insurance plan; and (iv) 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. 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, (iv) attaining the age of twenty-one, unless the dependent is a full-time college student, in which event coverage shall not terminate until age twenty-five; and unless the dependent is under a mental or physical disability, in which event coverage shall not terminate until three months following the cessation of the disability; or (v) 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.

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

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