

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 2.1-20.1:05, relating to the*
3 *purchase of continued health insurance coverage by surviving spouses and dependents of certain*
4 *local public safety employees.*

[S 172]

Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That the Code of Virginia is amended by adding a section numbered 2.1-20.1:05 as follows:**

9 *§ 2.1-20.1:05. Purchase of continued health insurance coverage by the surviving spouse and any*
10 *dependents of an active local law-enforcement officer, firefighter, etc.*

11 *A. For the purposes of this section, "plan sponsor" means a local government employer which has*
12 *established a plan of health insurance coverage for its employees, retirees and dependents of employees*
13 *as are described in subsection B.*

14 *B. The surviving spouse and any dependents of an active law-enforcement officer of any county, city,*
15 *or town of this Commonwealth; a jail officer; a regional jail or jail farm superintendent; a sheriff,*
16 *deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a member of any fire*
17 *company or department or rescue squad which has been recognized by an ordinance or a resolution of*
18 *the governing body of any county, city, or town of this Commonwealth as an integral part of the official*
19 *safety program of such county, city or town; or a member of an emergency medical services*
20 *department; whose death occurs as the direct or proximate result of the performance of his duty shall*
21 *be entitled, upon proper application to the appropriate plan sponsor, to purchase continued health*
22 *insurance coverage on the following conditions: (i) on the date of death, the deceased participated in a*
23 *health insurance plan administered by the plan sponsor and (ii) on the date of the deceased's death, the*
24 *applicants were included in the health insurance plan in condition (i) of this subsection. The health*
25 *insurance plan administered by the plan sponsor shall provide means whereby coverage for the spouse*
26 *and any dependents of the deceased as provided in this section may be purchased.*

27 *C. Any application to purchase continued health insurance coverage hereunder shall be made in*
28 *writing to the plan sponsor within sixty days of the date of the deceased's death. The time for making*
29 *application may be extended by the plan sponsor for good cause shown.*

30 *D. In addition to any necessary information requested by the plan sponsor, the application shall state*
31 *whether conditions (i) and (ii) set forth in subsection B of this section have been met. If the plan*
32 *sponsor states that such conditions have not been met, the plan sponsor, notwithstanding the provisions*
33 *of § 9-6.14:4.1, shall conduct an informal fact-finding conference or consultation with the applicant*
34 *pursuant to § 9-6.14:11 of the Administrative Process Act. Upon scheduling the conference or*
35 *consultation, the provisions of the local government's grievance procedure for nonprobationary,*
36 *permanent employees shall apply thereafter.*

37 *E. Upon payment of any required premiums, coverage shall automatically be extended during the*
38 *period for making application and shall be effective retroactive to the date of the deceased's death.*

39 *F. The terms, conditions, and costs of continued health insurance coverage purchased hereunder*
40 *shall be subject to administration by the plan sponsor. The plan sponsor may increase the cost of*
41 *coverage consistent with its administration of health insurance plans under § 2.1-20.1:02. However, at*
42 *no time shall the surviving spouse or dependents pay more for continued health insurance coverage than*
43 *the active employee rate under the same plan for the same class of coverage.*

44 *G. For the surviving spouse, continued health insurance coverage purchased hereunder shall*
45 *automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, (iii)*
46 *alternate health insurance coverage being obtained, or (iv) any applicable condition outlined in the*
47 *policies and procedures of the plan sponsor governing health insurance plans administered for its active*
48 *employees.*

49 *H. For any surviving dependents, continued health insurance coverage purchased hereunder shall*
50 *automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate*
51 *health insurance coverage being obtained; (iv) attaining the age of twenty-one, unless the dependent is*
52 *(a) a full-time college student, in which event coverage shall not terminate until such dependent has*
53 *either attained the age of twenty-five or until such time as the dependent ceases to be a full-time college*
54 *student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage*
55 *shall not terminate until three months following cessation of the disability; or (v) any applicable*
56 *condition outlined in the policies and procedures of the plan sponsor governing health insurance plans*

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57 *administered for its active employees.*