

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: HB661

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Surovell

3. Committee: Commerce and Labor

4. Title: Workers' compensation.

5. Summary: This bill provides that workers' compensation benefits shall not be reduced for a disabled employee who refuses employment in any position that qualifies for Line of Duty Act (LODA) coverage, if he is already receiving LODA benefits.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: This bill provides that workers' compensation benefits are to continue for individuals who were injured and deemed eligible to receive Line of Duty Act (LODA) benefits and who refuse employment in any position that qualifies for receipt of LODA benefits. The definition of "deceased person" (§ 9.1-400, Code of Virginia) lists the positions that qualify for LODA benefits.

A positive eligibility determination for LODA disability benefits is made when an individual is deemed "mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent." Under current Workers' Compensation Act (WCA) provisions, an individual has a duty to market if they are deemed able to return to any line of work. As such, according to current law, if an individual who has qualified for LODA benefits is offered a position listed in § 9.1-400 and it is determined that this position is within their physical and mental restrictions, they would be denied benefits. This bill would override that denial and require that WCA benefits continue for these individuals.

The Department of Accounts is only aware of one case that would have been affected by the provisions of this bill.

9. Specific Agency or Political Subdivisions Affected: Department of Human Resource Management, Virginia Retirement System, all state agencies or local entities with personnel covered under the Line of Duty Act who are also enrolled in the Virginia Retirement System.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/17/2012