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## SENATE BILL NO. 4035

Offered July 19, 2019

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-1206.1, relating to continued health insurance coverage for certain state and local employees.*

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Patron—Black

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Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 2.2-1206.1 as follows:****§ 2.2-1206.1. Continued health insurance coverage for certain state and local employees.**

A. The surviving spouse and any dependents of an employee of the Commonwealth or any political subdivision thereof who died as the result of an accident or other unnatural event during the performance of his duty or was the victim of criminal activity during the performance of his duty shall be entitled, upon proper application to the Department, to continued health insurance coverage on the following conditions: (i) on the date of the deceased's death, the deceased participated in a health insurance plan administered pursuant to § 2.2-1204 or 2.2-2818 and (ii) on the date of the deceased's death, the applicants were included in the health insurance plan described in clause (i). The spouse and the dependents of the deceased shall not be required to pay any portion of the premium.

B. Any application for continued health insurance coverage hereunder shall be made in writing to the Department within six months of the date of the deceased's death. The time for making application may be extended by the Department for good cause shown.

C. In addition to any necessary information requested by the Department, the application shall state whether conditions set forth in subsection A have been met. If the Department states that such conditions have not been met, the Department shall conduct an informal fact-finding conference or consultation with the applicant pursuant to § 2.2-4019 of the Administrative Process Act. Upon scheduling the conference or consultation, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply thereafter.

D. Upon approval of the application, coverage shall automatically be extended during the period for making application and shall be effective retroactive to the later of the date of the deceased's death or the effective date of this act.

E. The terms and conditions of continued health insurance coverage provided hereunder shall be subject to administration by the Department.

F. For the surviving spouse, continued health insurance coverage provided hereunder shall automatically terminate upon occurrence of any of the following: (i) death, (ii) remarriage, or (iii) alternate health insurance coverage being obtained.

G. For any surviving dependents, continued health insurance coverage provided hereunder shall automatically terminate upon occurrence of any of the following: (i) death; (ii) marriage; (iii) alternate health insurance coverage being obtained; or (iv) attaining the age of 21, unless the dependent is (a) a full-time college student, in which event coverage shall not terminate until such dependent has either attained the age of 25 or until such time as the dependent ceases to be a full-time college student, whichever occurs first, or (b) under a mental or physical disability, in which event coverage shall not terminate until three months following cessation of the disability.

2. That the provisions of subsection B of § 2.2-1206.1 of the Code of Virginia, as added by this act, shall not apply to the application of the surviving spouse and dependents of an employee whose death occurred prior to the effective date of this act and was the result of an accident or other unnatural event during the performance of his duty or who was the victim of criminal activity during the performance of his duty. Such surviving spouses and dependents may apply for health insurance coverage pursuant to § 2.2-1206.1 of the Code of Virginia, as added by this act, within six months of the effective date of this act. The time for making application may be extended by the Department of Human Resource Management for good cause shown.

3. That a surviving spouse and dependents of an employee whose death occurred prior to the effective date of this act shall be entitled to health insurance benefits pursuant to this act if the conditions set forth in subsection A of § 2.2-1206.1 of the Code of Virginia, as added by this act, and the second enactment clause of this act are met. However, such coverage shall be retroactive only to the effective date of this act, and neither the Commonwealth nor any political subdivision thereof shall be liable for the costs of any health insurance coverage incurred by the surviving spouse and dependents of a deceased employee prior to the effective date of this act.

INTRODUCED

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