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## SENATE BILL NO. 1228

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Obenshain

on January 31, 2023)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL to amend and reenact §§ 9.1-400, 9.1-400.1, 9.1-401, 9.1-402, 9.1-402.1, 9.1-403, and 9.1-404, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to Line of Duty Act; campus police officers; contributing private institutions of higher education.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 9.1-400, 9.1-400.1, 9.1-401, 9.1-402, 9.1-402.1, 9.1-403, and 9.1-404, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 9.1-400. Title of chapter; definitions.**

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Contributing nonprofit private institution of higher education" means a nonprofit private institution of higher education, as defined in § 23.1-100, that has (i) established a campus police department pursuant to § 23.1-810 and (ii) made an irrevocable election to provide the benefits under this chapter and to fund the cost by participating in the Fund.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as (i) a law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (ii) a correctional officer as defined in § 53.1-1; (iii) a jail officer; (iv) a regional jail or jail farm superintendent; (v) a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; (vi) a police chaplain; (vii) a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter; (viii) a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard; (ix) a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; (x) any special agent of the Virginia Alcoholic Beverage Control Authority; (xi) any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; (xii) any commissioned forest warden appointed under the provisions of § 10.1-1135; (xiii) any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; (xiv) any Department of Emergency Management hazardous materials officer; and any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; (xv) any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; (xvi) any nonfirefighter regional hazardous materials emergency response team member; (xvii) any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or (xviii) any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to

60 § 46.2-217; or (xix) any campus police officer employed by a contributing nonprofit private institution of  
61 higher education.

62 "Disabled person" means any individual who has been determined to be mentally or physically  
63 incapacitated so as to prevent the further performance of his duties at the time of his disability where  
64 such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct  
65 or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,  
66 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any  
67 position listed in the definition of deceased person in this section. "Disabled person" does not include  
68 any individual who has been determined to be no longer disabled pursuant to subdivision A 2 of  
69 § 9.1-404. "Disabled person" includes any state employee included in the definition of a deceased person  
70 who was disabled on or after January 1, 1966.

71 "Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the  
72 natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled  
73 person's eligible spouse, provided that any such natural child is born as the result of a pregnancy that  
74 occurred prior to the time of the employee's death or disability and that any such adopted child is (i)  
75 adopted prior to the time of the employee's death or disability or (ii) adopted after the employee's death  
76 or disability if the adoption is pursuant to a preadoptive agreement entered into prior to the death or  
77 disability. Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted  
78 child or children of a deceased person or disabled person born as the result of a pregnancy or adoption  
79 that occurred after the time of the employee's death or disability, but prior to July 1, 2017. Eligibility  
80 will continue until the end of the year in which the eligible dependent reaches age 26 or when the  
81 eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative  
82 guidance as determined by the Department of Human Resource Management.

83 "Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse  
84 of a deceased person or a disabled person at the time of the death or disability. Eligibility will continue  
85 until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a  
86 deceased person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the  
87 Virginia Administrative Code or administrative guidance as determined by the Department of Human  
88 Resource Management.

89 "Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries  
90 would be covered under the benefits of this chapter if the person became a disabled person or a  
91 deceased person.

92 "Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a  
93 volunteer who is a member of any fire company or department or rescue squad described in the  
94 definition of "deceased person," the county, city, or town that by ordinance or resolution recognized  
95 such fire company or department or rescue squad as an integral part of the official safety program of  
96 such locality.

97 "Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to  
98 § 9.1-400.1.

99 "Line of duty" means any action the deceased or disabled person was obligated or authorized to  
100 perform by rule, regulation, condition of employment or service, or law.

101 "LODA Health Benefit Plans" means the separate health benefits plans established pursuant to  
102 § 9.1-401.

103 "Nonparticipating employer" means any employer that is a political subdivision of the  
104 Commonwealth that elected to directly fund the cost of benefits provided under this chapter and not  
105 participate in the Fund.

106 "Participating employer" means any employer that is a state agency or is a political subdivision of  
107 the Commonwealth that did not make an election to become a nonparticipating employer.

108 "VRS" means the Virginia Retirement System.

109 *C. Nothing in this chapter shall be construed as applying to any nonprofit private institution of*  
110 *higher education, as defined in § 23.1-100, that is not a contributing private institution of higher*  
111 *education.*

#### 112 **§ 9.1-400.1. Line of Duty Death and Health Benefits Trust Fund.**

113 A. There is hereby established a permanent and perpetual fund to be known as the Line of Duty  
114 Death and Health Benefits Trust Fund, consisting of such moneys as may be appropriated by the  
115 General Assembly, contributions or reimbursements from participating and nonparticipating employers  
116 and from contributing nonprofit private institutions of higher education, gifts, bequests, endowments, or  
117 grants from the United States government or its agencies or instrumentalities, net income from the  
118 investment of moneys held in the Fund, and any other available sources of funds, public and private.  
119 Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but  
120 shall remain in the Fund. Interest and income earned from the investment of such moneys shall remain  
121 in the Fund and be credited to it. The moneys in the Fund shall be (i) deemed separate and independent

trust funds, (ii) segregated and accounted for separately from all other funds of the Commonwealth, and (iii) administered solely in the interests of the persons who are covered under the benefits provided pursuant to this chapter. Deposits to and assets of the Fund shall not be subject to the claims of creditors.

B. The Virginia Retirement System shall invest, reinvest, and manage the assets of the Fund as provided in § 51.1-124.39 and shall be reimbursed from the Fund for such activities as provided in that section.

C. The Fund shall be used to provide the benefits under this chapter related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers *and contributing nonprofit private institutions of higher education* and to pay related administrative costs.

D. Each participating employer *and contributing nonprofit private institution of higher education* shall make annual contributions to the Fund and provide information as determined by VRS. The amount of the contribution for each participating employer *and contributing nonprofit private institution of higher education* shall be determined on a current disbursement basis in accordance with the provisions of this section. For purposes of establishing contribution amounts for participating employers, a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any locality of the Commonwealth as an integral part of the official safety program of such locality shall be considered part of the locality served by the company, department, or rescue squad. If a company, department, or rescue squad serves more than one locality, the affected localities shall determine the basis and apportionment of the required covered payroll and contributions for each company, department, or rescue squad.

If any participating employer *or contributing nonprofit private institution of higher education* fails to remit contributions or other fees or costs associated with the Fund, VRS shall inform the State Comptroller and the affected participating employer *or contributing nonprofit private institution of higher education* of the delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such participating employer. *In the case of a contributing nonprofit private institution of higher education, VRS may employ reasonable methods to collect the delinquent amount, including the procedures set forth in the Virginia Debt Collection Act (§ 2.2-4800 et seq.).*

**§ 9.1-401. Continued health insurance coverage for disabled persons, eligible spouses, and eligible dependents.**

A. Disabled persons, eligible spouses, and eligible dependents shall be afforded continued health insurance coverage as provided in this section, the cost of which shall be paid by the nonparticipating employer to the Department of Human Resource Management or from the Fund on behalf of a participating employer *or a contributing nonprofit private institution of higher education*, as applicable. If any disabled person or eligible spouse is receiving the benefits described in this section and would otherwise qualify for the health insurance credit described in Chapter 14 (§ 51.1-1400 et seq.) of Title 51.1, the amount of such credit shall be deposited into the Line of Duty Death and Health Benefits Trust Fund or paid to the nonparticipating employer, as applicable, from the health insurance credit trust fund, in a manner prescribed by VRS.

B. 1. The continued health insurance coverage provided by this section for all disabled persons, eligible spouses, and eligible dependents shall be through separate plans, referred to as the LODA Health Benefits Plans (the Plans), administered by the Department of Human Resource Management. The Plans shall comply with all applicable federal and state laws and shall be modeled upon state employee health benefits program plans. Funding of the Plans' reserves and contingency shall be provided through a line of credit, the amount of which shall be based on an actuarially determined estimate of liabilities. The Department of Human Resource Management shall be reimbursed for health insurance premiums and all reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to this section (i) from the Line of Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers *and contributing nonprofit private institutions of higher education* and (ii) from a nonparticipating employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the nonparticipating employer is responsible. If any nonparticipating employer fails to remit such premiums and costs, the Department of Human Resource Management shall inform the State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the delinquent amount, the Department of Human Resource Management may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such nonparticipating employer.

2. In the event that temporary health care insurance coverage is needed for disabled persons, eligible

spouses, and eligible dependents during the period of transition into the LODA Health Benefits Plans, the Department of Human Resource Management is authorized to acquire and provide temporary transitional health insurance coverage. The type and source of the transitional health plans shall be within the sole discretion of the Department of Human Resource Management. Transitional coverage for eligible dependents shall comply with the eligibility criteria of the transitional plans until enrollment in the LODA Health Benefits Plan can be completed.

C. 1. a. Except as provided in subdivision 2 and any other law, continued health insurance coverage in any LODA Health Benefits Plans shall not be provided to any person (i) whose coverage under the Plan is based on a deceased person's death or a disabled person's disability occurring on or after July 1, 2017 and (ii) who is eligible for Medicare due to age.

b. Coverage in the LODA Health Benefits Plans shall also cease for any person upon his death.

2. The provisions of subdivision 1 a shall not apply to any disabled person who is eligible for Medicare due to disability under Social Security Disability Insurance or a Railroad Retirement Board Disability Annuity. The Department of Human Resource Management may provide such disabled person coverage under a LODA Health Benefits Plan that is separate from the plan for other persons.

3. Continued health insurance under this section shall also terminate upon the disabled person's return to full duty in any position listed in the definition of deceased person in § 9.1-400. Such disabled person shall promptly notify the participating or nonparticipating employer *or the contributing nonprofit private institution of higher education*, VRS, and the Department of Human Resource Management upon his return to work.

4. Such continued health insurance shall be suspended for the Plan year following a calendar year in which the disabled person whose coverage under the Plan is based on a disability occurring on or after July 1, 2017, has earned income in an amount equal to or greater than the salary of the position held by the disabled person at the time of disability, indexed annually based upon the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Such suspension shall cease the Plan year following a calendar year in which the disabled person has not earned such amount of income. The disabled person shall notify the participating or nonparticipating employer *or the contributing nonprofit private institution of higher education*, VRS, and the Department of Human Resource Management no later than March 1 of the year following any year in which he earns income of such amount, and notify the participating or nonparticipating employer *or the contributing nonprofit private institution of higher education*, VRS, and the Department of Human Resource Management when he no longer is earning such amount. Upon request, a disabled person shall provide VRS and the Department of Human Resource Management with documentation of earned income.

**§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers, firefighters, etc., and retirees.**

A. The beneficiary of a deceased person whose death occurred on or before December 31, 2005, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$75,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer *or a contributing nonprofit private institution of higher education*, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$100,000, which shall be paid by the nonparticipating employer *or a contributing nonprofit private institution of higher education* or from the Fund on behalf of a participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

C. Subject to the provisions of § 27-40.1, 27-40.2, 51.1-813, or 65.2-402, if the deceased person's death (i) arose out of and in the course of his employment or (ii) was within five years from his date of retirement, his beneficiary shall be entitled to receive the sum of \$25,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer *or a contributing nonprofit private institution of higher education*, as applicable. *For a campus police officer employed by a contributing nonprofit private institution of higher education, such officer's date of retirement shall be determined by VRS in consultation with the contributing nonprofit private institution of higher education.*

**§ 9.1-402.1. Payments for burial expenses.**

It is the intent of the General Assembly that expeditious payments for burial expenses be made for deceased persons whose death is determined to be a direct and proximate result of their performance in the line of duty as defined by the Line of Duty Act. Upon the approval of VRS, at the request of the family of a person who may be subject to the line of duty death benefits, payments shall be made to a funeral service provider for burial and transportation costs by the nonparticipating employer or from the

Fund on behalf of a participating employer *or a contributing nonprofit private institution of higher education*, as applicable. These payments would be advanced from the death benefit that would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of duty coverage. Expenses advanced under this provision shall not exceed the coverage amounts outlined in § 65.2-512. In the event *that* a determination is made that the death is not subject to the line of duty benefits *(i) in the case of an employer that is a state agency or political subdivision of the Commonwealth*, VRS or other Virginia governmental retirement fund of which the deceased is a member will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased payments previously paid for burial and related transportation expenses and return such funds to the nonparticipating employer or to the Fund on behalf of a participating employer, as applicable, *and (ii) in the case of a contributing nonprofit private institution of higher education, VRS (a) will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased payments previously paid for burial and related transportation expenses and return such funds to the Fund and (b) may employ reasonable methods, including the procedures set forth in the Virginia Debt Collection Act (§ 2.2-4800 et seq.), to recover from the deceased person's estate any payments previously paid for burial and related transportation expenses and return such funds to the Fund.* The Virginia Retirement System shall have the right to file a claim with the Virginia Workers' Compensation Commission against any employer to recover burial and related transportation expenses advanced under this provision.

**§ 9.1-403. Claim for payment; costs.**

A. Every beneficiary, disabled person or his spouse, or dependent of a deceased or disabled person shall present his claim to the chief officer, or his designee, of the employer for which the disabled or deceased person last worked on forms to be provided by VRS. Upon receipt of a claim, the chief officer or his designee shall forward the claim to VRS within seven days. The Virginia Retirement System shall determine eligibility for benefits under this chapter. The Virginia Retirement System may request assistance in obtaining information necessary to make an eligibility determination from the Department of State Police. The Department of State Police shall take action to conduct the investigation as expeditiously as possible. The Department of State Police shall be reimbursed from the Fund or the nonparticipating employer, as applicable, for the cost of searching for and obtaining information requested by VRS. The Virginia Retirement System shall be reimbursed for the reasonable costs incurred for making eligibility determinations by nonparticipating employers or from the Fund on behalf of participating employers *or contributing nonprofit private institutions of higher education*, as applicable. If any nonparticipating employer fails to reimburse VRS for reasonable costs incurred in making an eligibility determination, VRS shall inform the State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such nonparticipating employer.

B. 1. Within 10 business days of being notified by an employee, or an employee's representative, that such employee is permanently and totally disabled due to a work-related injury suffered in the line of duty, the agency or department employing the employee shall provide him with information about the continued health insurance coverage provided under this chapter and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the employee or the employee's representative.

2. Within 10 business days of having knowledge that a deceased person's surviving spouse, dependents, or beneficiaries may be entitled to benefits under this chapter, the employer for which the deceased person last worked shall provide the surviving spouse, dependents, or beneficiaries, as applicable, with information about the benefits provided under this chapter and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the surviving spouse, dependents, or beneficiaries.

C. Within 30 days of receiving a claim pursuant to subsection A, an employer may submit to VRS any evidence that could assist in determining the eligibility of a claim. However, when the claim involves a presumption under § 65.2-402 or 65.2-402.1, VRS shall provide an employer additional time to submit evidence as is necessary not to exceed nine months from the date the employer received a claim pursuant to subsection A. Any such evidence submitted by the employer shall be included in the agency record for the claim.

**§ 9.1-404. (Effective until July 1, 2023) Order of the Virginia Retirement System.**

A. 1. The Virginia Retirement System shall make an eligibility determination within 45 days of receiving all necessary information for determining eligibility for a claim filed under § 9.1-403. The Virginia Retirement System may use a medical board pursuant to § 51.1-124.23 in determining eligibility. If benefits under this chapter are due, VRS shall notify the nonparticipating employer, which shall provide the benefits within 15 days of such notice, or VRS shall pay the benefits from the Fund on

306 behalf of the participating employer *or contributing nonprofit private institution of higher education*  
307 within 15 days of the determination, as applicable. The payments shall be retroactive to the first date  
308 that the disabled person was no longer eligible for health insurance coverage subsidized by his  
309 employer.

310 2. Two years after an individual has been determined to be a disabled person, VRS may require the  
311 disabled person to renew the determination through a process established by VRS. If a disabled person  
312 refuses to submit to the determination renewal process described in this subdivision, then benefits under  
313 this chapter shall cease for the individual, any eligible dependents, and an eligible spouse until the  
314 individual complies. If such individual does not comply within six months from the date of the initial  
315 request for a renewed determination, then benefits under this chapter shall permanently cease for the  
316 individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that  
317 an individual is no longer a disabled person, then benefits under this chapter shall permanently cease for  
318 the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination  
319 that an individual remains a disabled person, then VRS may require the disabled person to renew the  
320 determination five years after such renewed determination through a process established by VRS. The  
321 Virginia Retirement System may require the disabled person to renew the determination at any time if  
322 VRS has information indicating that the person may no longer be disabled.

323 B. The Virginia Retirement System shall be reimbursed for all reasonable costs incurred and  
324 associated, directly and indirectly, in performing the duties pursuant to this chapter (i) from the Line of  
325 Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons,  
326 eligible dependents, and eligible spouses on behalf of participating employers *and contributing nonprofit*  
327 *private institutions of higher education* and (ii) from a nonparticipating employer for premiums and costs  
328 related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the  
329 nonparticipating employer is responsible.

330 C. The Virginia Retirement System may develop policies and procedures necessary to carry out the  
331 provisions of this chapter.

332 **§ 9.1-404. (Effective July 1, 2023) Order of the Virginia Retirement System.**

333 A. 1. The Virginia Retirement System shall make an eligibility determination within 45 days of  
334 receiving all necessary information for determining eligibility for a claim filed under § 9.1-403. The  
335 Virginia Retirement System may use a medical board pursuant to § 51.1-124.23 in determining  
336 eligibility. If benefits under this chapter are due, VRS shall notify the nonparticipating employer, which  
337 shall provide the benefits within 15 days of such notice, or VRS shall pay the benefits from the Fund on  
338 behalf of the participating employer *or contributing nonprofit private institution of higher education*  
339 within 15 days of the determination, as applicable. The payments shall be retroactive to the first date  
340 that the disabled person was no longer eligible for health insurance coverage subsidized by his  
341 employer.

342 2. Two years after an individual has been determined to be a disabled person, VRS may require the  
343 disabled person to renew the determination through a process established by VRS. If a disabled person  
344 refuses to submit to the determination renewal process described in this subdivision, then benefits under  
345 this chapter shall cease for the individual, any eligible dependents, and an eligible spouse until the  
346 individual complies. If such individual does not comply within six months from the date of the initial  
347 request for a renewed determination, then benefits under this chapter shall permanently cease for the  
348 individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that  
349 an individual is no longer a disabled person, then benefits under this chapter shall permanently cease for  
350 the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination  
351 that an individual remains a disabled person, then VRS may require the disabled person to renew the  
352 determination five years after such renewed determination through a process established by VRS. The  
353 Virginia Retirement System may require the disabled person to renew the determination at any time if  
354 VRS has information indicating that the person may no longer be disabled.

355 3. For any medical review conducted for the purpose of making an eligibility determination pursuant  
356 to this section, VRS shall require such review to be conducted by a licensed health practitioner. For  
357 purposes of this section, "licensed health practitioner" means a person licensed to practice medicine or  
358 osteopathic medicine pursuant to the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, a  
359 person licensed to practice nursing pursuant to the provisions of Chapter 30 (§ 54.1-3000 et seq.) of  
360 Title 54.1, or a person licensed to practice psychology pursuant to the provisions of Chapter 36  
361 (§ 54.1-3600 et seq.) of Title 54.1. "Licensed health practitioner" includes a person issued a comparable  
362 license, as determined by VRS, by the District of Columbia or a state that is contiguous to the  
363 Commonwealth.

364 B. The Virginia Retirement System shall be reimbursed for all reasonable costs incurred and  
365 associated, directly and indirectly, in performing the duties pursuant to this chapter (i) from the Line of  
366 Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons,  
367 eligible dependents, and eligible spouses on behalf of participating employers *and contributing nonprofit*

private institutions of higher education and (ii) from a nonparticipating employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the nonparticipating employer is responsible.

C. The Virginia Retirement System may develop policies and procedures necessary to carry out the provisions of this chapter.

**2. That any nonprofit private institution of higher education, as defined in § 23.1-100 of the Code of Virginia, that has established a campus police department pursuant to § 23.1-810 of the Code of Virginia on or before the effective date of this act shall elect whether it will be a contributing nonprofit private institution of higher education under the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act, in the manner and on such forms as prescribed by the Virginia Retirement System within 180 days of the effective date of this act. Any nonprofit private institution of higher education that establishes a campus police department on or after the effective date of this act shall elect whether it will be a contributing nonprofit private institution of higher education under the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act, in the manner and on such forms as prescribed by the Virginia Retirement System within 180 days of the establishment of the campus police department. Any election made pursuant to this enactment shall be irrevocable and a nonprofit private institution of higher education that does not make an election within the time period set forth in this enactment shall be deemed to have made an irrevocable election that such institution's campus police officers will not be covered by the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act.**

**3. That the provisions of this act shall apply only to campus police officers employed by a contributing nonprofit private institution of higher education, as defined in § 9.1-400 of the Code of Virginia, as amended by this act, whose death or disability occurred on or after the effective date of such institution's irrevocable election to fund the cost of benefits under the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act, and to participate in the Line of Duty Death and Health Benefits Trust Fund, established pursuant to § 9.1-400.1 of the Code of Virginia, as amended by this act.**