

House File 2071 - Introduced

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BY DAWSON

A BILL FOR

1 An Act concerning review by the board of trustees of the
2 statewide fire and police retirement system of certain
3 determinations by participating cities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 411.6, subsection 5, paragraph b, Code
2 2014, is amended to read as follows:

3 b. If a member in service or the chief of the police or
4 fire departments becomes incapacitated for duty as a natural
5 or proximate result of an injury or disease incurred in or
6 aggravated by the actual performance of duty at some definite
7 time or place or while acting, pursuant to order, outside the
8 city by which the member is regularly employed, the member,
9 upon being found to be temporarily incapacitated following a
10 medical examination as directed by the city, is entitled to
11 receive the member's full pay and allowances from the city's
12 general fund or trust and agency fund until reexamined as
13 directed by the city and found to be fully recovered or until
14 the city determines that the member is likely to be permanently
15 disabled. If the temporary incapacity of a member continues
16 more than sixty days, or if the city expects the incapacity
17 to continue more than sixty days, the city shall notify the
18 system of the temporary incapacity. Upon notification by a
19 city, the system may refer the matter to the medical board for
20 review and consultation with the member's treating physician
21 during the temporary incapacity. ~~Except as provided by this~~
22 ~~paragraph, the~~ The board of trustees of the statewide system
23 has no jurisdiction over these matters until an appeal by a
24 member of a determination by a city that the member is not
25 temporarily incapacitated and is not entitled to receive the
26 member's full pay and allowances. The board of trustees also
27 has jurisdiction once the city determines that the disability
28 is likely to be permanent.

29 Sec. 2. Section 411.15, Code 2014, is amended to read as
30 follows:

31 **411.15 Hospitalization and medical attention.**

32 Cities shall provide hospital, nursing, and medical
33 attention for the members of the police and fire departments
34 of the cities, when injured while in the performance of their
35 duties as members of such department, and shall continue to

1 provide hospital, nursing, and medical attention for injuries
2 or diseases incurred while in the performance of their duties
3 for members receiving a retirement allowance under section
4 411.6, subsection 6. The board of trustees has jurisdiction
5 over an appeal by a member of a determination by a city that
6 the member was not injured while in the performance of the
7 member's duties and not entitled to hospitalization and medical
8 attention under this section. Cities may fund the cost of
9 the hospital, nursing, and medical attention required by this
10 section through the purchase of insurance, by self-insuring
11 the obligation, or through payment of moneys into a local
12 government risk pool established for the purpose of covering
13 the costs associated with the requirements of this section.
14 However, the cost of the hospital, nursing, and medical
15 attention required by this section shall not be funded through
16 an employee-paid health insurance policy. The cost of the
17 hospital, nursing, and medical attention required by this
18 section shall be paid from moneys held in a trust and agency
19 fund established pursuant to section 384.6, or out of the
20 appropriation for the department to which the injured person
21 belongs or belonged; provided that any amounts received by
22 the injured person from any other source for such specific
23 purposes, shall be deducted from the amount paid by the city
24 under the provisions of this section.

25

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill provides that the board of trustees of the
29 statewide fire and police retirement system has jurisdiction
30 to review a determination by a city that a member of the
31 retirement system is not temporarily incapacitated and is not
32 entitled to receive the member's full pay and allowances under
33 section 411.6(5), or was not injured while in the performance
34 of the member's duties and not entitled to hospitalization and
35 medical attention under section 411.15.