

House File 2351 - Introduced

HOUSE FILE 2351
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2049)

A BILL FOR

1 An Act relating to continuation of health care coverage for
2 certain surviving spouses and children of peace officers
3 killed in the line of duty, and including effective date and
4 retroactive applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 509A.13C Health care coverage for
2 surviving spouse and children of peace officers killed in the
3 line of duty.

4 1. For the purposes of this section, "*eligible peace*
5 *officer*" means a peace officer as defined in section 801.4,
6 to which a line of duty death benefit is payable pursuant to
7 section 97A.6, subsection 16, section 97B.52, subsection 2, or
8 section 411.6, subsection 15.

9 2. a. If a governing body, a county board of supervisors,
10 or a city council has procured accident or health care coverage
11 for its employees under this chapter, such coverage shall
12 permit continuation of existing coverage or reenrollment in
13 previously existing coverage for the surviving spouse and each
14 surviving child of an eligible peace officer subject to the
15 requirements of this section.

16 b. A governing body, a county board of supervisors, or
17 a city council shall also provide continuation of existing
18 coverage for the surviving spouse and each surviving child of
19 a peace officer as defined in section 801.4, who dies and to
20 which a line of duty death benefit is reasonably expected to
21 be payable pursuant to section 97A.6, subsection 16, section
22 97B.52, subsection 2, or section 411.6, subsection 15, until
23 such time as the determination of whether to provide a line of
24 duty death benefit is made.

25 3. A surviving child of an eligible peace officer shall be
26 provided coverage as required by this section, with the full
27 cost of the coverage paid by the applicable governing body,
28 county board of supervisors, or city council, until the policy
29 anniversary date on or after the date the child attains the
30 age of twenty-six. However, a surviving child shall not be
31 provided coverage as required by this section for the period
32 of time beginning on the date the child becomes enrolled for
33 coverage under Medicaid, and ending on the date the child is no
34 longer enrolled for coverage under Medicaid.

35 4. a. Except as provided in paragraph "b", a surviving

1 spouse of an eligible peace officer shall be provided coverage
2 as required by this section, with the full cost of the
3 coverage paid by the applicable governing body, county board
4 of supervisors, or city council, until the date on which the
5 surviving spouse becomes eligible for coverage under Medicare.

6 *b.* A surviving spouse shall not be provided coverage with
7 the full cost of the coverage paid by the applicable governing
8 body, county board of supervisors, or city council, as provided
9 by this subsection, if any of the following apply:

10 (1) The surviving spouse is eligible, and remains eligible,
11 for comparable group medical coverage, whether insured or
12 self-insured.

13 (2) The surviving spouse becomes enrolled, and remains
14 enrolled, for coverage under Medicaid.

15 (3) The surviving spouse remarries, and remains married.

16 5. Notwithstanding any other provision of law, a surviving
17 spouse who is no longer eligible for coverage under this
18 section with the full cost of the coverage paid by the
19 applicable governing body, county board of supervisors, or city
20 council, pursuant to subsection 4, paragraph "b", may elect
21 to continue accident or health care coverage by requesting
22 continuation in writing to the applicable governing body,
23 county board of supervisors, or city council within thirty-one
24 days after the date the surviving spouse is no longer eligible
25 for coverage as provided in subsection 4, paragraph "b". A
26 surviving spouse electing to continue coverage under this
27 subsection shall pay the premium for the accident or health
28 care coverage in the same manner as, and at the same premium
29 paid by, employees covered by the accident or health care
30 coverage.

31 6. A governing body, a county board of supervisors, or a
32 city council shall notify the provider of accident or health
33 care coverage for its employees of a surviving spouse and
34 each surviving child to be provided coverage pursuant to the
35 requirements of this section.

1 7. This section shall not require continuation of coverage
2 if the surviving spouse or surviving child who would otherwise
3 be entitled to continuation of coverage under this section was,
4 through the surviving spouse's or surviving child's actions, a
5 substantial contributing factor to the eligible peace officer's
6 death.

7 Sec. 2. APPLICABILITY — HEALTH CARE COVERAGE FOR PRIOR
8 DEATHS. The surviving spouse and each surviving child of a
9 peace officer as defined in section 801.4, who died on or
10 after January 1, 1985, but before July 1, 2000, to which the
11 requirements for providing a line of duty death pursuant to
12 section 97A.6, subsection 16, section 97B.52, subsection 2,
13 or section 411.6, subsection 15, would otherwise have been
14 established, and the surviving spouse and each surviving child
15 of an eligible peace officer as defined in section 509A.13C, as
16 enacted in this Act, shall be entitled to coverage as provided
17 in section 509A.13C upon written notification of the applicable
18 governing body, county board of supervisors, or city council.
19 Coverage provided under section 509A.13C pursuant to this
20 section shall be for claims for services incurred on or after
21 the date of reenrollment.

22 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
23 importance, takes effect upon enactment.

24 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
25 retroactively to a death occurring on or after January 1, 1985.

26 EXPLANATION

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

29 This bill requires a city, county, or the state to continue
30 to provide group health insurance benefits to the surviving
31 spouse and children of an eligible peace officer who is defined
32 as a peace officer who died and to which a line of duty death
33 benefit is payable under Code chapter 97A, 97B, or 411.

34 The bill provides that a surviving child of an eligible peace
35 officer shall be provided coverage with the full cost paid by

1 the city, county, or state that employed the eligible peace
2 officer until the child reaches the age of 26. In addition,
3 the former employer is not required to provide coverage at the
4 employer's cost for that period of time that the child becomes
5 enrolled, and remains enrolled, under Medicaid.

6 The bill provides that a surviving spouse of an eligible
7 peace officer shall be provided coverage with the full cost
8 paid by the city, county, or state that employed the eligible
9 peace officer until the date the surviving spouse becomes
10 eligible for coverage under Medicare. In addition, the former
11 employer of the peace officer is not required to provide
12 coverage at the full cost of the former employer of the peace
13 officer for that period of time that the surviving spouse is
14 eligible and remains eligible for comparable group medical
15 coverage, becomes enrolled and remains enrolled under Medicaid,
16 or remarries and remains married.

17 The bill also provides that a surviving spouse who is not
18 yet eligible for Medicare but is otherwise no longer eligible
19 to have the full cost of the continuing health care paid under
20 the bill may elect to continue the health care coverage by
21 paying the premium for the coverage in the same manner as, and
22 at the same premium paid by, employees covered by the health
23 care coverage.

24 The bill also requires the city, county, or state that
25 employed the eligible peace officer to notify the provider of
26 health care coverage of any surviving spouse or child to be
27 provided health care coverage. The bill also provides that
28 a surviving spouse or child who caused the eligible peace
29 officer's death is not entitled to continuation of coverage.

30 The bill takes effect upon enactment and applies to deaths
31 of a peace officer occurring on or after January 1, 1985. For
32 deaths on or after January 1, 1985, but before the effective
33 date of the bill, the bill provides that the surviving spouse
34 and each surviving child of a peace officer to which a line of
35 duty death benefit was payable or the requirements for a line

1 of duty death benefit would otherwise have been established
2 shall be entitled to coverage as provided in the bill upon
3 written notification of the applicable governing body, county
4 board of supervisors, or city council. The bill provides
5 that coverage provided shall only be for claims for services
6 incurred on or after the date of reenrollment in the health
7 care coverage.