



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB6694

Introduced 2/9/2004, by Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

820 ILCS 320/10

Amends provisions of the Public Safety Employee Benefits Act requiring an employer that employs a full-time law enforcement, correctional or correctional probation officer or firefighter who suffers a catastrophic injury or is killed in the line of duty to pay the health insurance premium for the injured employee and his or her spouse and dependent children. Defines "catastrophic injury" as a permanent grievous or serious injury or impairment of a nature that is sufficient to preclude subsequent employment or re-employment, and excludes from the definition: conditions that are temporary or short-term in nature; common injuries; or injuries the effects of which may be mitigated by work-related rehabilitative or vocational training. Provides that an employer-selected physician's determination as to the seriousness and permanency of an employee's injury may be appealed to the employer's governing body and the final administrative decision of a governing body is subject to judicial review under the Administrative Review Law.

LRB093 21009 WGH 47019 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Safety Employee Benefits Act is
5 amended by changing Section 10 as follows:

6 (820 ILCS 320/10)

7 Sec. 10. Required health coverage benefits.

8 (a) An employer who employs a full-time law enforcement,
9 correctional or correctional probation officer, or
10 firefighter, who, on or after the effective date of this Act
11 suffers a catastrophic injury or is killed in the line of duty
12 shall pay the entire premium of the employer's health insurance
13 plan for the injured employee, the injured employee's spouse,
14 and for each dependent child of the injured employee until the
15 child reaches the age of majority or until the end of the
16 calendar year in which the child reaches the age of 25 if the
17 child continues to be dependent for support or the child is a
18 full-time or part-time student and is dependent for support.
19 The term "health insurance plan" does not include supplemental
20 benefits that are not part of the basic group health insurance
21 plan. If the injured employee subsequently dies, the employer
22 shall continue to pay the entire health insurance premium for
23 the surviving spouse until remarried and for the dependent
24 children under the conditions established in this Section.
25 However:

26 (1) Health insurance benefits payable from any other
27 source shall reduce benefits payable under this Section.

28 (2) It is unlawful for a person to willfully and
29 knowingly make, or cause to be made, or to assist, conspire
30 with, or urge another to make, or cause to be made, any
31 false, fraudulent, or misleading oral or written statement
32 to obtain health insurance coverage as provided under this

1 Section. A violation of this item is a Class A misdemeanor.

2 (3) Upon conviction for a violation described in item
3 (2), a law enforcement, correctional or correctional
4 probation officer, or other beneficiary who receives or
5 seeks to receive health insurance benefits under this
6 Section shall forfeit the right to receive health insurance
7 benefits and shall reimburse the employer for all benefits
8 paid due to the fraud or other prohibited activity. For
9 purposes of this item, "conviction" means a determination
10 of guilt that is the result of a plea or trial, regardless
11 of whether adjudication is withheld.

12 (b) In order for the law enforcement, correctional or
13 correctional probation officer, firefighter, spouse, or
14 dependent children to be eligible for insurance coverage under
15 this Act, the injury or death must have occurred as the result
16 of the officer's response to fresh pursuit, the officer or
17 firefighter's response to what is reasonably believed to be an
18 emergency, an unlawful act perpetrated by another, or during
19 the investigation of a criminal act. Nothing in this Section
20 shall be construed to limit health insurance coverage or
21 pension benefits for which the officer, firefighter, spouse, or
22 dependent children may otherwise be eligible.

23 (c) As used in this Section, "catastrophic injury" means a
24 permanent grievous or serious injury or impairment of a nature
25 that is sufficient to preclude subsequent employment or
26 re-employment and is validated by a licensed physician selected
27 by the employer. "Catastrophic injury" does not include:
28 conditions that are temporary or short-term in nature; common
29 injuries; or injuries the effects of which may be mitigated by
30 work-related rehabilitative or vocational training. The
31 employer-selected physician's determination as to the
32 seriousness and permanency of an employee's injury may be
33 appealed to the employer's governing body. The final
34 administrative decision of a governing body is subject to
35 judicial review under the Administrative Review Law.

36 (Source: P.A. 90-535, eff. 11-14-97.)