



Sen. Christine Radogno

**Filed: 5/9/2013**

09800SB1245sam004

LRB098 00197 JLS 45701 a

1 AMENDMENT TO SENATE BILL 1245

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1245, AS AMENDED,  
3 by replacing the enacting clause with the following:

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 firefighter  
10 (hereinafter referred to as "injured employee"), who, on or  
11 after the effective date of this Act suffers a catastrophic  
12 injury or is killed in the line of duty shall pay the entire  
13 premium of the employer's health insurance plan for the injured  
14 employee, the injured employee's spouse, and for each dependent  
15 child of the injured employee until the child reaches the age  
16 of majority or until the end of the calendar year in which the

1 child reaches the age of 25 if the child continues to be  
2 dependent for support or the child is a full-time or part-time  
3 student and is dependent for support. The term "health  
4 insurance plan" does not include supplemental benefits that are  
5 not part of the basic group health insurance plan. If the  
6 injured employee subsequently dies, the employer shall  
7 continue to pay the entire health insurance premium for the  
8 surviving spouse until remarried and for the dependent children  
9 under the conditions established in this Section. However:

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

12 (2) It is unlawful for a person to willfully and  
13 knowingly make, or cause to be made, or to assist, conspire  
14 with, or urge another to make, or cause to be made, any  
15 false, fraudulent, or misleading oral or written statement  
16 to obtain health insurance coverage as provided under this  
17 Section. A violation of this item is a Class A misdemeanor.

18 (3) Upon conviction for a violation described in item  
19 (2), a law enforcement, correctional or correctional  
20 probation officer, or other beneficiary who receives or  
21 seeks to receive health insurance benefits under this  
22 Section shall forfeit the right to receive health insurance  
23 benefits and shall reimburse the employer for all benefits  
24 paid due to the fraud or other prohibited activity. For  
25 purposes of this item, "conviction" means a determination  
26 of guilt that is the result of a plea or trial, regardless

1 of whether adjudication is withheld.

2 (b) In order for the law enforcement, correctional or  
3 correctional probation officer, firefighter, spouse, or  
4 dependent children to be eligible for insurance coverage under  
5 this Act, the injury or death must have occurred as the result  
6 of the officer's response to fresh pursuit, the officer or  
7 firefighter's response to what is reasonably believed to be an  
8 emergency, an unlawful act perpetrated by another, or during  
9 the investigation of a criminal act. Nothing in this Section  
10 shall be construed to limit health insurance coverage or  
11 pension benefits for which the officer, firefighter, spouse, or  
12 dependent children may otherwise be eligible.

13 (c) An injured employee subject to this Act shall be  
14 required to file a report with his or her employer as  
15 prescribed in this Section. The Commission on Government  
16 Forecasting and Accountability (COGFA) shall design the form  
17 and prescribe the content of the report. Within 60 days after  
18 the effective date of this amendatory Act of the 98th General  
19 Assembly, COGFA shall design and remit a copy of this form to  
20 all employers subject to this Act. The form shall include the  
21 following:

22 (1) employment by the injured employee within the  
23 previous 24-month period;

24 (2) compensation earned by the injured employee as a  
25 result of the employment;

26 (3) the nature of the injury that entitled the injured

1       employee to a duty disability benefit and benefits as  
2       provided under this Act listing the part of the body  
3       affected, explaining how it was affected, and including the  
4       medical diagnosis, if known;

5           (4) whether the injured employee or his or her spouse  
6       has been offered or has access to any insurance from the  
7       injured employee's employment or his or her spouse's  
8       employment; and

9           (5) whether the injured employee or his or her spouse  
10       is currently enrolled in any insurance plan from another  
11       source.

12       Within 30 days after receipt of this form, an employer  
13       shall notify any employee receiving benefits under this Act of  
14       that employee's obligation to file a report under this Section.  
15       An employee receiving benefits under this Act must complete and  
16       return this form to the employer within 30 days of receipt of  
17       such form. Any employee who has been given notice as provided  
18       under this Section and who fails to timely file a report under  
19       this Section within 30 days after receipt of this form shall be  
20       notified by the employer that he or she has 30 days to submit  
21       the report or risk losing his or her benefits provided under  
22       this Act. An employer may suspend premium payments for an  
23       employee who fails to file this report with the employer 30  
24       days after receiving this notice. The employee is responsible  
25       for ensuring that premiums are paid during the period of  
26       suspension. Employers shall return this form to COGFA within 30

1 days after receiving the form from the employee.

2 Any information collected by the employer under this  
3 Section shall be exempt from the requirements of the Freedom of  
4 Information Act except for data collected in the aggregate that  
5 does not reveal any personal information concerning the injured  
6 employee.

7 By July 1 of every odd-numbered year, beginning in 2015,  
8 employers subject to this Act must send a form to all employees  
9 eligible for benefits under this Act. The employee must  
10 complete and return this form by August 1 of that year. Any  
11 employee who has been given notice as provided under this  
12 Section and who fails to timely file a completed form under  
13 this Section within 30 days after receipt of this form shall be  
14 notified by the employer that he or she has 30 days to submit  
15 the form or risk losing his or her benefits provided under this  
16 Act. An employer may suspend premium payments for an employee  
17 who fails to complete and file this form with the employer 30  
18 days after receiving this notice. The employee is responsible  
19 for ensuring that premiums are paid during the period of  
20 suspension. The employer shall resume premium payments upon  
21 receipt of the completed form. Employers shall return this form  
22 to COGFA within 30 days after receiving the form from the  
23 employee.

24 (d) An employer subject to this Act shall file a claims  
25 report with COGFA. COGFA shall design the form and prescribe  
26 the content of the report. Within 60 days after the effective

1 date of this amendatory Act of the 98th General Assembly, and  
2 by July 1 of every odd-numbered year thereafter beginning in  
3 2015, COGFA shall remit a copy of this form to all employers  
4 subject to this Act. An employer covered under this Act shall  
5 file a copy of this report with COGFA within 120 days after  
6 receipt of the form.

7 The first claims report filed with COGFA under this Section  
8 shall set forth all information gathered pursuant to this  
9 Section and, when available, shall submit the information  
10 required under this Section for each of the 5 years prior to  
11 the year in which this amendatory Act of the 98th General  
12 Assembly became law. All claims reports thereafter shall set  
13 forth the required information for the 24-month period ending  
14 on June 30 preceding the deadline date for filing the report.  
15 The claims report shall, at a minimum, contain the following  
16 information:

17 (1) the number of claims filed under this Act during  
18 the reporting period;

19 (2) the number of claims awarded under this Act during  
20 the reporting period;

21 (3) the dollar amount of all claims awarded under this  
22 Act during the reporting period;

23 (4) the number of claims paid under this Act during the  
24 reporting period regardless of when the claim was awarded;

25 (5) the dollar amount of all claims paid under this Act  
26 during the reporting period regardless of when the claim

1       was awarded;

2           (6) the annual cost of the benefit and any available  
3       long-term cost projections;

4           (7) the nature of the injury as described by the  
5       injured employee under item (3) of subsection (c);

6           (8) any employment during the annual reporting period;

7           (9) the compensation earned as a result of that  
8       employment; and

9           (10) any offered or accessible insurance options  
10       through the injured employee's employment or his or her  
11       spouse's employment.

12       The claims report shall redact any information as required  
13       by the Health Insurance Portability and Accountability Act of  
14       1996 (HIPAA). Any information submitted to COGFA shall not  
15       reveal any personal information of the injured employee.  
16       Whenever possible, communication between COGFA and employers  
17       as required by this Act shall be through electronic means.

18       (e) By June 1, 2014, and by January 1 of every  
19       even-numbered year thereafter beginning in 2016, COGFA shall  
20       submit a report to the Governor and General Assembly setting  
21       forth the information received under subsections (c) and (d).  
22       The report shall aggregate data in such a way as to not reveal  
23       the identity of any singular beneficiary. The requirement for  
24       reporting to the General Assembly shall be satisfied by filing  
25       copies of the report with the Speaker, Minority Leader, and  
26       Clerk of the House of Representatives, the President, Minority

1 Leader, and Secretary of the Senate, the Legislative Research  
2 Unit as required under Section 3.1 of the General Assembly  
3 Organization Act, and the State Government Report Distribution  
4 Center for the General Assembly as required under paragraph (t)  
5 of Section 7 of the State Library Act. COGFA shall make this  
6 report available electronically on a publicly accessible  
7 website.

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

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."