



Sen. Christine Radogno

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1 AMENDMENT TO SENATE BILL 1245

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

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

7 (820 ILCS 320/10)

8 Sec. 10. Required health coverage benefits.

9 (a) An employer who employs a full-time law enforcement,  
10 correctional or correctional probation officer, or firefighter  
11 (hereinafter referred to as "injured employee"), who, on or  
12 after the effective date of this Act suffers a catastrophic  
13 injury or is killed in the line of duty shall pay the entire  
14 premium of the employer's health insurance plan for the injured  
15 employee, the injured employee's spouse, and for each dependent  
16 child of the injured employee until the child reaches the age

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

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

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

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

1 of guilt that is the result of a plea or trial, regardless  
2 of whether adjudication is withheld.

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

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

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

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

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

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

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

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

1 suspension. Employers shall return this form to COGFA within 30  
2 days after receiving the form from the employee.

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

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

25 (d) An employer subject to this Act shall file a claims  
26 report with COGFA. COGFA shall design the form and prescribe

1 the content of the report. Within 60 days after the effective  
2 date of this amendatory Act of the 98th General Assembly, and  
3 by July 1 of every odd-numbered year thereafter beginning in  
4 2015, COGFA shall remit a copy of this form to all employers  
5 subject to this Act. An employer covered under this Act shall  
6 file a copy of this report with COGFA within 120 days after  
7 receipt of the form.

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

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

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

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

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

26 (5) the dollar amount of all claims paid under this Act

1 during the reporting period regardless of when the claim  
2 was awarded;

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

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

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

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

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

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

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

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

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

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