

## **Health Insurance for Surviving Spouses and/or Dependents of Public Safety Officers Killed In the Line of Duty**

### **ARIZONA**

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/38/01114.htm&Title=38&DocType=AR>

**Ariz. Rev. Stat. § 38-1114.** Health insurance payments for spouse or dependents of law enforcement officer killed in the line of duty; applicability; definitions.

**A.** Notwithstanding any other law, the surviving spouse or a surviving dependent of a deceased law enforcement officer is entitled to receive payments for health insurance premiums from public monies of the employer of the law enforcement officer if the law enforcement officer was killed in the line of duty or died from injuries suffered in the line of duty.

**B.** The employer shall make payments if the surviving spouse or surviving dependent is enrolled or was enrolled at the time the law enforcement officer was killed in the line of duty or died from injuries suffered in the line of duty in either:

- 1.** The health insurance program of the employer.
- 2.** The health insurance program that is offered by the state retirement system or plan from which the surviving spouse or surviving dependent is receiving benefits.

**C.** If a surviving spouse or surviving dependent was enrolled in either health insurance program described in subsection B of this section at the time the law enforcement officer was killed in the line of duty or died from injuries suffered in the line of duty and is eligible pursuant to subsection D of this section to receive health insurance premium payments under this section but is no longer enrolled in either health insurance program described in subsection B of this section, the employer shall allow the surviving spouse and any surviving dependent to enroll in the employer's health insurance program to receive health insurance premium payments pursuant to this section.

**D.** The health insurance premium amount payable by the employer of the deceased law enforcement officer is the amount the employer of the deceased law enforcement officer would pay for an active law enforcement officer for a family coverage premium or single coverage premium, whichever is applicable. Payments shall be discontinued pursuant to this section if:

- 1.** The surviving spouse remarries.
- 2.** The surviving spouse becomes medicare eligible.
- 3.** The surviving spouse dies.
- 4.** For dependent coverage, the person is no longer considered a dependent.

**E.** If the employer currently pays a greater portion of the health insurance premium for a surviving spouse or a surviving dependent than the required amount prescribed in subsection D of this section, the surviving spouse or surviving dependent shall receive the greater amount as payment toward the surviving spouse's or surviving dependent's health insurance premium.

**F.** This section applies:

1. To a surviving spouse or a surviving dependent of a deceased law enforcement officer, as defined in subsection G, paragraph 2, subdivision (a), (b) or (c) of this section, who was killed in the line of duty or who died from injuries suffered in the line of duty on or after April 5, 1933.

2. To a surviving spouse or a surviving dependent of a deceased law enforcement officer, as defined in subsection G, paragraph 2, subdivision (d) of this section, who was killed in the line of duty or who died from injuries suffered in the line of duty on or after April 5, 2013.

3. For the surviving spouse or the surviving dependent who qualifies pursuant to paragraph 1 of this subsection, only to health insurance premiums paid on or after September 13, 2013.

**G.** For the purposes of this section:

1. “Dependent” means an unmarried child of a deceased law enforcement officer who meets one of the following qualifications:

(a) Is under eighteen years of age.

(b) Is at least eighteen years of age and under twenty-three years of age only during any period that the child is a full-time student.

(c) Is under a disability that began before the child attained twenty-three years of age and remains a dependent of the surviving spouse or a guardian.

2. “Law enforcement officer” means:

(a) A peace officer who is certified by the Arizona peace officer standards and training board.

(b) A detention officer or corrections officer who, other than a juvenile detention officer, is employed by this state or a political subdivision of this state.

(c) A firefighter who is employed by this state or a political subdivision of this state.

(d) A corrections officer or firefighter who works on behalf of this state or a political subdivision of this state through a contract with a private company.

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## **CALIFORNIA**

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=LAB&sectionNum=4856](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=4856)

**Cal. Lab. Code § 4856.** Continuance of health benefits for surviving spouse and dependent of firefighter or specified officers killed in performance of duty.

(a) Whenever any local employee who is a firefighter, or peace officer as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a Sheriff’s Special Officer of the County of Orange, is killed in the performance of his or her duty or dies as a result of an accident or injury caused by external violence or physical force incurred in the performance of his or her duty, the employer shall continue providing health benefits to the deceased employee’s spouse under the same terms and conditions provided prior to the death, or prior to the accident or injury that caused the death, of the employee unless the surviving spouse elects to receive a lump-sum survivors benefit in lieu of monthly benefits. Minor dependents shall continue to receive benefits under the coverage provided the

surviving spouse or, if there is no surviving spouse, until the age of 21 years. However, pursuant to Section 22822 of the Government Code, the surviving spouse may not add the new spouse or stepchildren as family members under the continued health benefits coverage of the surviving spouse.

(b) Subdivision (a) also applies to the employer of any local employee who is a firefighter, or peace officer as described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who was killed in the performance of his or her duty or who died as a result of an accident or injury caused by external violence or physical force incurred in the performance of his or her duty prior to September 30, 1996.

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## **DELAWARE**

<http://delcode.delaware.gov/title18/c066/index.shtml>

**Del. Code tit. 18, § 6602.** Payment for beneficiaries; tuition payments; burial expenses.

(a) Upon certification by the Insurance Commissioner that a claim under this chapter has been approved, the State Treasurer shall:

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(5) Pay for health insurance for dependent children for covered persons who died in the line-of-duty after January 1, 2004, until said dependent children attain the age of 26 years. Should health insurance be provided by the federal government, Tricare or similar program, for any of these dependent children, the dependent children shall only be eligible for state group health coverage in the event of loss of coverage under the federal health insurance plan.

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## **FLORIDA**

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0112/Sections/0112.19.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.19.html)

**Fla. Stat. § 112.19.** Law enforcement, correctional, and correctional probation officers; death benefits.

(2) ....

(g) Any political subdivision of the state that employs a full-time law enforcement officer as defined in s. 943.10(1) or a full-time correctional officer as defined in s. 943.10(2) who is killed in the line of duty on or after July 1, 1993, as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions shall pay the entire premium of the political subdivision's health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

1. At the time of the employee's death, the child is dependent upon the employee for support; and
  2. The surviving child continues to be dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.
- (h) 1.** Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02, Florida Statutes 2002, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:
- a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.
  - b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
  - c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.
- 2.** In order for the officer, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the officer's response to fresh pursuit, the officer's response to what is reasonably believed to be an emergency, or an unlawful act perpetrated by another. Except as otherwise provided herein, nothing in this paragraph shall be construed to limit health insurance coverage for which the officer, spouse, or dependent children may otherwise be eligible, except that a person who qualifies under this section shall not be eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

## **ILLINOIS**

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2433&ChapterID=68>

### **820 Ill. Comp. Stat. § 320/10. Required health coverage benefits.**

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

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

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

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

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

## **MASSACHUSETTS**

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter32B/Section9C>

### **Mass. Gen. Laws ch. 32B, § 9C. Surviving Spouses -- Fire Fighters Killed in Performance of Duty -- Health Insurance.**

Upon the death of an insured employee who was killed, or who died from injuries received, in the performance of his duty as a fire fighter his surviving spouse may continue the group hospital, surgical, medical, dental and other health insurance for herself and her dependents under age nineteen, until the remarriage or death of said surviving spouse; provided that application for such insurance shall be filed with the appropriate public authority and a method for the payment of premiums shall be determined in accordance with its rules and regulations; and provided, further that said surviving spouse shall pay fifty per cent of a premium the amount of which may be changed by the governmental unit from time to time as part of the total cost for such hospital, surgical, medical, dental and other health insurance. The governmental unit shall contribute the remaining fifty per cent of said premium together with payment in full of a subsidiary or additional rate which rate may be lower or higher than the governmental unit's share of the aforesaid premium.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: -- In a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district by vote of the registered voters of the district at a district meeting; and in a town by submission for acceptance to the registered voters in the form of the following question which shall be printed upon the official ballot to be used at an election:-- “Shall the town pay one half of a premium for group hospital, surgical, medical, dental and other health insurance for the surviving widow and dependents of an insured fire fighter who was killed or who died from injuries received in the performance of his duty, with the survivor paying the remaining one half, and shall the town also pay a subsidiary or additional rate?” Section nine B shall not apply in any governmental unit which accepts the provisions of this section.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter32B/Section9C1~2>

### **Mass. Gen. Laws ch. 32B, § 9C1/2. Surviving Spouses -- First Responders Killed in Performance of Duty -- Health Insurance.**

Upon the death of a call, volunteer, intermittent, part-time or reserve firefighter, emergency medical services provider or police officer who, while in the performance of duties and as a result of an incident, accident or violence, is killed or sustains injuries which are the direct and proximate cause of death, the surviving spouse and dependents, including children under the age of 26, may continue to participate in group hospital, surgical, medical, dental and other health insurance until the remarriage or death of the surviving spouse. Application for such insurance shall be filed with the appropriate public authority and a method for the payment of premiums shall be determined in accordance with its rules and regulations. The

surviving spouse shall also file in the office of the city auditor, town accountant or officer having similar duties, a copy of the marriage certificate of the surviving spouse. The municipality shall charge the surviving spouse 100 per cent of the premium for such hospital, surgical, medical, dental and other health insurance.

This section shall take effect in a city, town or district upon its acceptance in the following manner: in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by a vote of the city council and approval by the mayor; in a district, by a vote of the registered voters of the district at a district meeting; and in a town, by a vote of the registered voters at a town meeting.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIV/Chapter32B/Section9G>

**Mass. Gen. Laws ch. 32B, § 9G. Surviving Spouses -- Police Killed in Performance of Duty -- Health Insurance.**

Upon the death of an insured employee who was killed, or who died from injuries received, in the performance of his duty as a police officer, a surviving spouse may continue the group health and dental insurance for the benefit of such spouse and any dependents under age nineteen, until the remarriage or death of said surviving spouse; provided that application for such insurance shall be filed with the appropriate public authority and a method for the payment of premiums shall be determined in accordance with its rules and regulations; and provided, further, that said surviving spouse shall pay fifty per cent of a premium the amount of which may be changed by the governmental unit from time to time as part of the total cost for such health and dental insurance. The governmental unit shall contribute the remaining fifty per cent of said premium together with payment in full of a subsidiary or additional rate which rate may be lower or higher than the governmental unit's share of the aforesaid premium.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner:-- In a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district by vote of the registered voters of the district at a district meeting; and in a town by submission for acceptance to the registered voters in the form of the following question which shall be printed upon the official ballot to be used at an election:-- “Shall the town pay one half of a premium for group health and dental insurance for the surviving spouse and dependents of an insured police officer who was killed or who died from injuries received in the performance of duty, with the surviving spouse paying the remaining one half, and shall the town also pay a subsidiary or additional rate?” Section nine B shall not apply in any governmental unit which accepts the provisions of this section.



## **MINNESOTA**

<https://www.revisor.leg.state.mn.us/statutes/?id=299A.465>

**Minn. Stat. § 299A.465.** Continued Health Insurance Coverage.

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**Subd. 2. *Officer or firefighter killed in line of duty.***

(a) This subdivision applies when a peace officer or firefighter is killed while on duty and discharging the officer's or firefighter's duties as a peace officer or firefighter.

(b) The officer's or firefighter's employer shall continue to cover the deceased officer's or firefighter's dependents, including the officer's or firefighter's spouse:

(1) if the officer or firefighter was receiving dependent coverage at the time of the officer's or firefighter's death under the employer's group health plan; or

(2) if the officer's or firefighter's spouse was not covered as a dependent at the time of the officer's or firefighter's death, but at that time was eligible, or afterward becomes eligible, to be a dependent on the employer's group health plan.

(c) The employer is responsible for the employer's contribution for the coverage of the officer's or firefighter's dependents. Coverage must continue for a dependent of the officer or firefighter for the period of time that the person is a dependent up to the age of 65.

**Subd. 3. *Coordination of benefits.*** -- Health insurance benefits payable to the officer or firefighter and the officer's or firefighter's dependents from any other source provide the primary coverage, and coverage available under this section is secondary.

**Subd. 4. *Public employer reimbursement.*** -- A public employer subject to this section may annually apply by August 1 for the preceding fiscal year to the commissioner of public safety for reimbursement to help defray a portion of its costs of complying with this section. The commissioner shall provide an equal pro rata share to the public employer out of the public safety officer's benefit account based on the availability of funds for each eligible officer, firefighter, and qualifying dependents. Individual shares must not exceed the actual costs of providing coverage under this section by a public employer.

**Subd. 5. *Definition.*** -- For purposes of this section:

(a) "Peace officer" or "officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

(b) "Dependent" means a person who meets the definition of dependent in section 62L.02, subdivision 11, at the time of the officer's or firefighter's injury or death. A person is not a dependent for purposes of this section during the period of time the person is covered under another group health plan.

(c) "Firefighter" has the meaning given in Minnesota Statutes 2000, section 424.03, but does not include volunteer firefighters.



## **NEVADA**

<https://www.leg.state.nv.us/NRS/NRS-287.html#NRS287Sec021>

**Nev. Rev. Stat. § 287.021.** Option of surviving spouse or child of police officer or firefighter killed in line of duty to accept or continue coverage for group insurance, plan of benefits or medical and hospital service; notification; payment of costs for coverage; duration of eligibility.

1. Except as otherwise provided in subsection 3, the surviving spouse and any surviving child of a police officer or firefighter who was:

(a) Employed by a local governmental agency that had established group insurance, a plan of benefits or medical and hospital service pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; and

(b) Killed in the line of duty,

may elect to accept or continue coverage under that group insurance, plan or medical and hospital service if the police officer or firefighter was a participant or would have been eligible to participate in the group insurance, plan or medical and hospital service on the date of the death of the police officer or firefighter. If the surviving spouse or child elects to accept coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter would have been eligible to participate or to discontinue coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter was a participant, the spouse, child or legal guardian of the child must notify in writing the local governmental agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.

2. Except as otherwise provided in NRS 287.023, the local governmental agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the group insurance, plan of benefits or medical and hospital service for the surviving spouse or child who meets the requirements set forth in subsection 1.

3. A surviving spouse is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse. A surviving child is eligible to receive coverage pursuant to this section until the child reaches the age at which the child would not otherwise be eligible to receive coverage under the group insurance, plan of benefits or medical and hospital service.

4. As used in this section “police officer” has the meaning ascribed to it in NRS 617.135.

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## **OREGON**

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors243.html](https://www.oregonlegislature.gov/bills_laws/ors/ors243.html)

**Or. Rev. Stat. § 243.956.** Eligibility for benefits from fund; types of benefits.

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(5) If alternative coverage is not provided, the board may award benefits to the family members of a public safety officer or, if a designation of beneficiary form has been completed under ORS 243.974 (1), to the designee, children and dependents of a public

safety officer who has suffered a qualifying death or disability in an amount sufficient to allow the recipients to purchase health and dental insurance comparable to that provided by the public safety officer:

- (a) For five years or until the spouse remarries, whichever occurs first;
- (b) Until a child or a dependent attains 18 years of age or, if the child or the dependent is attending school, 23 years of age; and
- (c) For five years for a designee who is not a person described in paragraph (a) or (b) of this subsection, or until the designee marries, whichever occurs first.

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## **PENNSYLVANIA**

<http://www.hrm.pa.gov/employee-relations/cba-md/Documents/cba-psta-2012-2017.pdf>

Provisions from Boards of Arbitration Awards and Collective Bargaining Agreements Between Commonwealth of Pennsylvania and the Pennsylvania State Troopers Association (effective July 1, 2012 to June 30, 2017).

Article 17, Section 1.

In the event a member is killed in the line of duty, the eligible dependents of the deceased member shall be entitled to all medical benefits for the life of the spouse, or until remarriage of the spouse, whichever is earlier and until age 19 (25 if enrolled full time as a student) for the children.

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## **SOUTH CAROLINA**

<http://www.scstatehouse.gov/code/t01c011.php>

Applicable only if government employer participates in the state's employee health and dental insurance plans:

**S.C. Code Ann. § 1-11-730.** Persons eligible for state health and dental plan coverage.

(A) . . . .

(5) A spouse or dependent of a person covered by the plans who is killed in the line of duty after December 31, 2001, shall receive equivalent coverage under the state health and dental plans for a period of twelve months and the State is responsible for paying the full premium. After the twelve-month period, a spouse or dependent is eligible for [South Carolina retiree health insurance] trust fund paid premiums. A spouse is eligible for trust fund paid premiums under this subsection until the spouse remarries. A dependent is eligible for trust fund paid premiums under this subsection until the dependent's eligibility for coverage under the plans would ordinarily terminate.

## **TEXAS**

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.615.htm#615.071>

### **Tex. Gov't Code §§ 615.071-.080.**

**Sec. 615.072. ELIGIBLE SURVIVORS. (a)** A survivor of an individual listed under Section 615.071 is eligible for the health insurance benefits provided under this subchapter if:

(1) the listed individual died as a result of a personal injury sustained in the line of duty in the individual's position as described by Section 615.071; and

(2) the survivor is:

(A) the surviving spouse of the listed individual; or

(B) a dependent of the listed individual.

(b) In a determination of whether the survivor of an individual listed under Section 615.071 is eligible for the payment of assistance under this subchapter, any reasonable doubt arising from the circumstances of the individual's death shall be resolved in favor of the payment of assistance to the survivor.

(b-1) A survivor of an individual listed under Section 615.071 who would have been eligible for health insurance benefits during the life of the individual may not be denied health insurance benefits on the ground that the survivor was enrolled in group health insurance with another employer as of the date of the individual's death.

(c) In this section:

(1) "Personal injury" means an injury resulting from an external force, an activity, or a disease caused by or resulting from:

(A) a line-of-duty accident; or

(B) an illness caused by line-of-duty work under hazardous conditions.

(2) "Line of duty" means an action an individual listed under Section 615.071 is required or authorized by rule, condition of employment, or law to perform. The term includes an action by the individual at a social, ceremonial, athletic, or other function to which the individual is assigned by the individual's employer.

**Sec. 615.073. BENEFIT TO SURVIVING SPOUSE. (a)** An eligible surviving spouse of a deceased individual listed in Section 615.071 who was employed by the state is entitled to purchase or continue to purchase health insurance benefits under Chapter 1551, Insurance Code, as provided by this subchapter.

(b) An eligible surviving spouse of a deceased individual listed in Section 615.071 who was employed by a political subdivision of the state is entitled to purchase or continue to purchase health insurance benefits from the political subdivision that employed the deceased individual, including health coverage:

(1) provided by or through a political subdivision under:

(A) a health insurance policy or health benefit plan written by a health insurer; or

(B) a self-insured health benefits plan; or

(2) under Chapter 172, Local Government Code.

(c) The surviving spouse is entitled to purchase or continue to purchase health insurance coverage until the date the surviving spouse becomes eligible for federal Medicare benefits.

**Sec. 615.074. BENEFIT TO DEPENDENT. (a)** An eligible surviving dependent who is a minor child is entitled to purchase or continue to purchase health insurance coverage until the

date the dependent reaches the age of 18 or a later date to the extent required by state or federal law.

**(b)** An eligible surviving dependent who is not a minor child is entitled to purchase or continue to purchase health insurance coverage until the earlier of:

- (1)** the date the dependent becomes eligible for group health insurance through another employer; or
- (2)** the date the dependent becomes eligible for federal Medicare benefits.

**Sec. 615.076. LEVEL OF COVERAGE.** **(a)** An eligible survivor may elect to purchase or continue to purchase coverage at any level of benefits currently offered by the employing entity to dependents of an active employee.

**(b)** An eligible survivor may elect to purchase or continue to purchase coverage at a reduced level of benefits if the employing entity offers that option.

**Sec. 615.077. PAYMENTS; RATE.** An eligible survivor who is entitled to coverage under this subchapter:

**(1)** is entitled to:

- (A)** make payments for the coverage or have payments made on the survivor's behalf at the same time and to the same entity that payments for coverage are made by current employees of the employing entity; and
  - (B)** obtain the coverage at the rate paid by current employees of the employing entity for that coverage; and
- (2)** may not be required to pay a premium amount for the coverage that is greater than the premium amount that a current employee of the employing entity without a spouse is required to pay to cover the employee alone or to cover the employee and the employee's dependent children, as applicable to the eligible survivor.

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## **UTAH**

[http://www.le.state.ut.us/xcode/Title53/Chapter17/53-17-S201.html?v=C53-17-S201\\_2015070120150701](http://www.le.state.ut.us/xcode/Title53/Chapter17/53-17-S201.html?v=C53-17-S201_2015070120150701)

**Utah Code Ann. § 53-17-201.** Surviving spouse and children health coverage for line-of-duty death.

**(1) (a)** Subject to Subsection (1)(b), and in accordance with this section, an employer shall allow the surviving spouse and children of a member whose death is classified by the Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah State Retirement and Insurance Benefit Act, to remain eligible for health coverage under the employer's group health plan as if the surviving spouse was an employee of the employer.

**(b) (i)** The employer shall pay 100% of the premium costs and, if the health coverage is a high-deductible plan, the employer share of any contribution into a health savings account for the surviving spouse and dependent children as described under Subsections (1)(a) and (2), and may not require payment from the surviving spouse for premium costs

or health savings account contributions as a condition of qualifying to continue to receive the health coverage.

(ii) For the first 24 months after the line-of-duty death, the employer shall pay the amount specified under Subsection (1)(b)(i).

(iii) Beginning 25 months after the line-of-duty death, an employer may pay the amount specified under Subsection (1)(b)(i) through a cost-sharing agreement associated with the trust fund created under Section 53-17-301.

(2) An employer shall allow a surviving spouse and children to remain eligible to receive health coverage from the employer under this section at the option of the surviving spouse until:

(a) the surviving spouse remarries or becomes eligible for Medicare whichever come first; and

(b) a child reaches the age of 26.

(3) This section does not apply to a member who:

(a) does not qualify for a line-of-duty death benefit under the provisions of Title 49, Utah State Retirement and Insurance Benefit Act;

(b) at the time of death did not receive or qualify to receive employer group health coverage; or

(c) is covered under the provisions of Section 49-20-406.

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## **VIRGINIA**

Line of Duty Act (<http://valoda.org/>)

The Line of Duty Act (LODA) provides benefits to state and local government employees who hold specified hazardous duty positions. By statute, LODA benefits must be provided. The Virginia Department of Accounts determines eligibility for LODA benefits and administers the benefit for entities that participate in the Line of Duty Act Fund (LODA Fund), which is administered by the Virginia Retirement System (VRS), and provides a funding mechanism for payment of LODA benefits. The LODA Fund was originally established by the [2010 Appropriation Act](#) with VRS as the investment manager. VRS also is responsible for obtaining an annual actuarial review, and the VRS Board of Trustees sets the LODA Fund premiums on a pay-as-you-go basis. State agencies participate automatically in the LODA Fund. Localities were given the option to opt out of the LODA Fund by July 1, 2012 and provide their own source for funding the benefit. Op-out localities must still provide the benefits required by the Code of Virginia. If the Department of Accounts, in conjunction with the State Police, determines that an individual or survivors are eligible for LODA benefits, then the benefits must be provided, even if the locality has opted out of participation in the LODA Fund.

At its November 12, 2015 meeting, the VRS Board of Trustees approved the Line of Duty Act Fund contribution rate of \$567.37 for fiscal years 2017 and 2018. This is a per capita rate, meaning this is the amount the locality pays per covered full-time participant.

**Va. Code Ann. 9.1-400 to -408**

**§ 9.1-401.** Continued health insurance coverage for disabled persons, their spouses and dependents, and for the surviving spouse and dependents of certain deceased law-enforcement officers, firefighters, etc.

**A.** The surviving spouse and any dependents of a deceased person shall be afforded continued health insurance coverage, the cost of which shall be paid in full out of the general fund of the state treasury.

**B.** If the disabled person's disability (i) occurred while in the line of duty as the direct or proximate result of the performance of his duty or (ii) was subject to the provisions of §§ 27-40.1, 27-40.2, 51.1-813 or § 65.2-402, and arose out of and in the course of his employment, the disabled person, his surviving spouse and any dependents shall be afforded continued health insurance coverage. The cost of such health insurance coverage shall be paid in full out of the general fund of the state treasury.

**C.** The continued health insurance coverage provided by this section shall be the same plan of benefits which the deceased or disabled person was entitled to on the last day of his active duty or comparable benefits established as a result of a replacement plan.

**D.** For any spouse, continued health insurance provided by this section shall terminate upon such spouse's death or coverage by alternate health insurance.

**E.** For dependents, continued health insurance provided by this section shall terminate upon such dependent's death, marriage, coverage by alternate health insurance or twenty-first birthday. Continued health care insurance shall be provided beyond the dependent's twenty-first birthday if the dependent is a full-time college student and shall continue until such time as the dependent ceases to be a full-time student or reaches his twenty-fifth birthday, whichever occurs first. Continued health care insurance shall also be provided beyond the dependent's twenty-first birthday if the dependent is mentally or physically disabled, and such coverage shall continue until three months following the cessation of the disability.

**F.** For any disabled person, continued health insurance provided by this section shall automatically terminate upon the disabled person's death, recovery or return to full duty in any position listed in the definition of deceased person in § 9.1-400.

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**WASHINGTON**

<http://app.leg.wa.gov/RCW/default.aspx?cite=41.05.080>

**Wash. Rev. Code § 41.05.080.** Participation in insurance plans and contracts -- Retired, disabled, or separated employees -- Certain surviving spouses or surviving domestic partners and dependent children.

(1) Under the qualifications, terms, conditions, and benefits set by the board:

. . . .

(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

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