



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2628

Introduced 2/20/2009, by Rep. Sandra M. Pihos

#### SYNOPSIS AS INTRODUCED:

820 ILCS 320/10

Amends the Public Safety Employee Benefits Act relating to health insurance benefits for a public safety officer or his or her spouse or dependents when the public safety officer suffers catastrophic injury or is killed in the line of duty. Provides that health insurance benefits available (rather than payable) from any other source shall reduce those benefits. Provides that the injured employee shall notify the employer of new employment and the availability of a group health insurance plan through the new employer. Provides that the injured employee shall notify the employer of a group health insurance plan available through a spouse's employment. Provides that the injured employee shall be required to accept an available group health insurance plan available to the employee or spouse, whether through new employment or the spouse's employment.

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FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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

1 children under the conditions established in this Section.

2 However:

3 (1) Health insurance benefits available ~~payable~~ from  
4 any other source shall reduce benefits payable under this  
5 Section.

6 (A) The injured employee shall notify the employer  
7 of new employment and the availability of a group  
8 health insurance plan through the new employer.

9 (B) The injured employee shall notify the employer  
10 of a group health insurance plan available through a  
11 spouse's employment.

12 (C) The injured employee shall be required to  
13 accept an available group health insurance plan  
14 available to the employee or spouse, whether through  
15 new employment or the spouse's employment.

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

22 (3) Upon conviction for a violation described in item  
23 (2), a law enforcement, correctional or correctional  
24 probation officer, or other beneficiary who receives or  
25 seeks to receive health insurance benefits under this  
26 Section shall forfeit the right to receive health insurance

1 benefits and shall reimburse the employer for all benefits  
2 paid due to the fraud or other prohibited activity. For  
3 purposes of this item, "conviction" means a determination  
4 of guilt that is the result of a plea or trial, regardless  
5 of whether adjudication is withheld.

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

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