



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3909

Introduced 12/11/2011, by Rep. Dwight Kay

#### SYNOPSIS AS INTRODUCED:

820 ILCS 320/10

Amends the Public Safety Employee Benefits Act. Defines "catastrophic injury" as a grievous or serious injury or impairment of a nature that is sufficient to permanently preclude the injured employee from performing any gainful work. Provides that an employer may, at its expense, require an employee seeking benefits under the Act to submit to examination by up to 3 licensed physicians. Provides that the determination of whether an employee has suffered a catastrophic injury shall be made by the employer's corporate authorities or a person designated by ordinance, whose determination shall be final and subject to judicial review under the Administrative Review Law. Provides that the employer shall be deemed a necessary party to any case brought under the Administrative Review Law. Effective immediately.

LRB097 14150 AEK 58857 b

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 payable from any other  
4 source shall reduce benefits payable under this Section.

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

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

21 (b) In order for the law enforcement, correctional or  
22 correctional probation officer, firefighter, spouse, or  
23 dependent children to be eligible for insurance coverage under  
24 this Act, the injury or death must have occurred as the result  
25 of the officer's response to fresh pursuit, the officer or  
26 firefighter's response to what is reasonably believed to be an

1 emergency, an unlawful act perpetrated by another, or during  
2 the investigation of a criminal act. Nothing in this Section  
3 shall be construed to limit health insurance coverage or  
4 pension benefits for which the officer, firefighter, spouse, or  
5 dependent children may otherwise be eligible.

6 (c) As used in this Section, "catastrophic injury" means a  
7 grievous or serious injury or impairment of a nature that is  
8 sufficient to permanently preclude the injured employee from  
9 performing any gainful work. The employer may, at its expense,  
10 require an employee seeking benefits under this Act to submit  
11 to examination by up to 3 licensed physicians. The  
12 determination of whether an employee has suffered a  
13 catastrophic injury shall be made by the employer's corporate  
14 authorities or such person or persons as may be designated by  
15 ordinance adopted by the corporate authorities, whose  
16 determination shall be final and subject to judicial review  
17 under the Administrative Review Law. The employer shall be  
18 deemed a necessary party to any case brought under  
19 Administrative Review Law.

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.