



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 "PSEBA recipient"), 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 PSEBA  
15 recipient ~~injured employee~~, the PSEBA recipient's ~~injured~~  
16 ~~employee's~~ spouse, and for each dependent child of the PSEBA

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

12 However:

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

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

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

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

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

16          (c) A PSEBA recipient subject to this Act shall be required  
17          to file a report with his or her employer as prescribed in this  
18          Section. The Commission on Government Forecasting and  
19          Accountability (COGFA) shall design the form and prescribe the  
20          content of the report in cooperation with one statewide labor  
21          organization representing police, one statewide labor  
22          organization representing firefighters employed by at least  
23          100 municipalities in this State, that is affiliated with the  
24          Illinois State Federation of Labor, one statewide organization  
25          representing municipalities, and one regional organization  
26          representing municipalities. COGFA may accept comment from any

1 source, but shall not be required to solicit public comment.  
2 Within 60 days after the effective date of this amendatory Act  
3 of the 98th General Assembly, COGFA shall design and remit a  
4 copy of this form to all employers subject to this Act. The  
5 form shall include the following:

6 (1) employment by the PSEBA recipient within the  
7 previous 24-month period or since the time the PSEBA  
8 recipient began receiving benefits under this Act if less  
9 than 24 months;

10 (2) compensation earned by the PSEBA recipient as a  
11 result of the employment;

12 (3) the nature of the injury that entitled the PSEBA  
13 recipient to a duty disability benefit and benefits as  
14 provided under this Act listing the part of the body  
15 affected, explaining how it was affected, and including the  
16 medical diagnosis, if known;

17 (4) whether the PSEBA recipient or his or her spouse  
18 has been offered or has access to any insurance from the  
19 PSEBA recipient's employment or his or her spouse's  
20 employment;

21 (5) whether the PSEBA recipient or his or her spouse is  
22 currently enrolled in any insurance plan from another  
23 source;

24 (6) a description of benefits offered by the PSEBA  
25 recipient's employer or the employer of his or her spouse,  
26 including policy limits, co-pay requirements, and

1       deductibles; and

2           (7) the cost of the insurance offered by the PSEBA  
3       recipient's employer or the employer of his or her spouse.

4       Within 30 days after receipt of this form, an employer  
5       shall notify any PSEBA recipient receiving benefits under this  
6       Act of that recipient's obligation to file a report under this  
7       Section. A PSEBA recipient receiving benefits under this Act  
8       must complete and return this form to the employer within 60  
9       days of receipt of such form. Any PSEBA recipient who has been  
10       given notice as provided under this Section and who fails to  
11       timely file a report under this Section within 60 days after  
12       receipt of this form shall be notified by the employer that he  
13       or she has 30 days to submit the report or risk incurring the  
14       cost of his or her benefits provided under this Act. An  
15       employer may seek reimbursement for premium payments for a  
16       PSEBA recipient who fails to file this report with the employer  
17       30 days after receiving this notice. The PSEBA recipient is  
18       responsible for reimbursing the employer for premiums paid  
19       during the period the report is due and not filed. Employers  
20       shall return this form to COGFA within 30 days after receiving  
21       the form from the PSEBA recipient.

22       Any information collected by the employer under this  
23       Section shall be exempt from the requirements of the Freedom of  
24       Information Act except for data collected in the aggregate that  
25       does not reveal any personal information concerning the PSEBA  
26       recipient.

1       By July 1 of every odd-numbered year, beginning in 2015,  
2 employers subject to this Act must send a form to all PSEBA  
3 recipients eligible for benefits under this Act. The PSEBA  
4 recipient must complete and return this form by September 1 of  
5 that year. Any PSEBA recipient who has been given notice as  
6 provided under this Section and who fails to timely file a  
7 completed form under this Section within 60 days after receipt  
8 of this form shall be notified by the employer that he or she  
9 has 30 days to submit the form or risk incurring the costs of  
10 his or her benefits provided under this Act. The PSEBA  
11 recipient is responsible for reimbursing the employer for  
12 premiums paid during the period the report is due and not  
13 filed. The employer shall resume premium payments upon receipt  
14 of the completed form. Employers shall return this form to  
15 COGFA within 30 days after receiving the form from the PSEBA  
16 recipient.

17       (d) An employer subject to this Act shall file a claims  
18 report with COGFA. COGFA shall design the form and prescribe  
19 the content of the report in cooperation with one statewide  
20 labor organization representing police, one statewide labor  
21 organization representing firefighters employed by at least  
22 100 municipalities in this State, that is affiliated with the  
23 Illinois State Federation of Labor, one statewide organization  
24 representing municipalities, and one regional organization  
25 representing municipalities. Within 60 days after the  
26 effective date of this amendatory Act of the 98th General

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

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

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

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

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

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

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

1           (6) the annual cost of the benefit;

2           (7) the nature of the injury as described by the PSEBA  
3 recipient under item (3) of subsection (c);

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

5           (9) the compensation earned as a result of that  
6 employment;

7           (10) any offered or accessible insurance options  
8 through the PSEBA recipient's employment or his or her  
9 spouse's employment;

10           (11) a description of benefits offered by the PSEBA  
11 recipient's employer or the employer of his or her spouse,  
12 including policy limits, co-pay requirements, and  
13 deductibles; and

14           (12) the cost of the insurance offered by the PSEBA  
15 recipient's employer or the employer of his or her spouse.

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

22           (e) By June 1, 2014, and by January 1 of every  
23 even-numbered year thereafter beginning in 2016, COGFA shall  
24 submit a report to the Governor and General Assembly setting  
25 forth the information received under subsections (c) and (d).  
26 The report shall aggregate data in such a way as to not reveal



1 the identity of any singular beneficiary. The requirement for  
2 reporting to the General Assembly shall be satisfied by filing  
3 copies of the report with the Speaker, Minority Leader, and  
4 Clerk of the House of Representatives, the President, Minority  
5 Leader, and Secretary of the Senate, the Legislative Research  
6 Unit as required under Section 3.1 of the General Assembly  
7 Organization Act, and the State Government Report Distribution  
8 Center for the General Assembly as required under paragraph (t)  
9 of Section 7 of the State Library Act. COGFA shall make this  
10 report available electronically on a publicly accessible  
11 website.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."