

By: Lucio, et al.

S.B. No. 872

A BILL TO BE ENTITLED

AN ACT

relating to continued health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 615.073, Government Code, is amended to read as follows:

(c) The surviving spouse is entitled to continue to purchase health insurance coverage until ~~[the earlier of:~~

~~[(1) the date the surviving spouse remarries,~~

~~[(2) the date the surviving spouse becomes eligible for group health insurance through another employer, or~~

~~[(3)] the date the surviving spouse becomes eligible for federal Medicare benefits.~~

SECTION 2. Section 615.074, Government Code, is amended to read as follows:

Sec. 615.074. BENEFIT TO DEPENDENT. (a) An eligible surviving dependent who is a minor child is entitled to continue health insurance coverage until ~~[the earlier of:~~

~~[(1)] the date the dependent reaches the age of 18 years, or~~

~~[(2) the date the dependent becomes eligible for group health insurance through another employer].~~

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

1 of:

- 2 (1) [~~the date the dependent marries,~~
3 [~~2~~] the date the dependent becomes eligible for
4 group health insurance through another employer; or
5 (2) [~~3~~] the date the dependent becomes eligible for
6 federal Medicare benefits.

7 SECTION 3. Subsections (a) and (c), Section 615.075,
8 Government Code, are amended to read as follows:

9 (a) An employing entity shall provide written notice to an
10 eligible survivor to whom this subchapter may apply of the
11 survivor's rights under this subchapter not later than the 10th day
12 after the date of the decedent's death. Not later than the 150th
13 day after the date of the decedent's death, the employing entity
14 shall send a subsequent written notice under this subsection by
15 certified mail to any eligible survivor who has not already elected
16 to continue coverage on or before that date.

17 (c) To receive continued coverage under this subchapter,
18 the employing entity must be informed not later than the 180th
19 [~~90th~~] day after the date the decedent died that the eligible
20 survivor elects to continue coverage.

21 SECTION 4. Section 615.077, Government Code, is amended to
22 read as follows:

23 Sec. 615.077. PAYMENTS; RATE. An eligible survivor who is
24 entitled to continued coverage under this subchapter [~~is entitled~~
25 ~~to~~]:

- 26 (1) is entitled to:
27 (A) make payments for the coverage or have

1 payments made on the survivor's behalf at the same time and to the
2 same entity that payments for coverage are made by current
3 employees of the employing entity; and

4 (B) obtain [~~(2) purchase~~] the coverage at the
5 [~~group~~] rate paid by current employees of the employing entity for
6 that coverage; and

7 (2) may not be required to pay a premium amount for the
8 coverage that is greater than the premium amount that a current
9 employee of the employing entity without a spouse is required to pay
10 to cover the employee alone or to cover the employee and the
11 employee's dependent children, as applicable to the eligible
12 survivor [~~that exists at the time of payment~~].

13 SECTION 5. Subchapter D, Chapter 615, Government Code, is
14 amended by adding Sections 615.080 and 615.081 to read as follows:

15 Sec. 615.080. GRACE PERIOD. Health insurance benefits
16 coverage in force on the date of the decedent's death under which a
17 deceased individual listed under Section 615.071 covered one or
18 more other persons may not lapse before the 181st day after the date
19 of the decedent's death for failure to pay the premium.

20 Sec. 615.081. LIMITED OPPORTUNITY FOR CERTAIN ELIGIBLE
21 SURVIVORS TO REAPPLY FOR COVERAGE. (a) This section applies only
22 to an eligible survivor of a deceased individual listed under
23 Section 615.071 who died on or after September 1, 1993.

24 (b) Notwithstanding any other provision of this subchapter
25 or other law, an eligible survivor to whom this section applies who
26 did not purchase continued health insurance benefits under this
27 subchapter or under the law codified by this subchapter within the

1 time allowed after the listed individual's death, or who
2 discontinued coverage under this subchapter or under the law
3 codified by this subchapter after the listed individual's death,
4 may reapply for coverage under the employing entity's health
5 insurance benefits plan not later than March 1, 2010.

6 (c) An eligible survivor who reapplies for coverage under
7 Subsection (b) is entitled to purchase the coverage according to
8 the same rate schedule and coverage options as would apply had the
9 eligible survivor continued coverage under this subchapter after
10 the listed individual's death.

11 (d) This section expires September 1, 2010.

12 SECTION 6. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2009.