

AN ACT

relating to health insurance coverage and financial assistance 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. Section 615.041, Government Code, is amended to read as follows:

Sec. 615.041. PROOF OF CLAIM. As soon as practicable after ~~[Proof of]~~ the death of an individual listed under Section 615.003 that is claimed to meet the requirements of Section 615.021(1), the individual's employing entity shall furnish ~~[be furnished]~~ to the board of trustees of the Employees Retirement System of Texas proof of the death in the form and with additional evidence and information required by the board.

SECTION 2. Subchapter C, Chapter 615, Government Code, is amended by adding Section 615.046 to read as follows:

Sec. 615.046. LIMITED ELIGIBILITY OF CERTAIN SURVIVORS TO FILE CLAIM. (a) Notwithstanding any other law, an eligible survivor of an individual described by Section 615.071 whose claim was denied or who otherwise did not receive payment on a claim under Section 615.022 because the individual's employing entity did not timely furnish proof of the individual's death to the board of trustees of the Employees Retirement System of Texas, may furnish the proof of death and file a claim not later than September 30,

1 2011. An eligible survivor who files a claim under this section is
2 entitled to receive the payment under Section 615.022 that would
3 have been received had proof of death been timely furnished.

4 (b) This section expires October 1, 2011.

5 SECTION 3. Section 615.071, Government Code, is amended to
6 read as follows:

7 Sec. 615.071. APPLICABILITY. This subchapter applies only
8 to eligible survivors of:

9 (1) an individual listed in Section 615.003(1), (6),
10 or (7); ~~or~~

11 (2) an individual listed in Section 615.003(10) or
12 (11) who is employed by a political subdivision of the state; or

13 (3) an individual who is:

14 (A) described by Section 615.003(15); and

15 (B) employed as a trainee for a position
16 otherwise described by this section.

17 SECTION 4. Section 615.072, Government Code, is amended by
18 adding Subsection (b-1) to read as follows:

19 (b-1) A survivor of an individual listed under Section
20 615.071 who would have been eligible for health insurance benefits
21 during the life of the individual may not be denied health insurance
22 benefits on the ground that the survivor was enrolled in group
23 health insurance with another employer as of the date of the
24 individual's death.

25 SECTION 5. Section 615.073, Government Code, is amended to
26 read as follows:

27 Sec. 615.073. BENEFIT TO SURVIVING SPOUSE. (a) An

1 eligible surviving spouse of a deceased individual listed in
2 Section 615.071 who was employed by the state is entitled to
3 purchase or continue to purchase ~~[continued]~~ health insurance
4 benefits under Chapter 1551, Insurance Code, as provided by this
5 subchapter.

6 (b) An eligible surviving spouse of a deceased individual
7 listed in Section 615.071 who was employed by a political
8 subdivision of the state is entitled to purchase or continue to
9 purchase ~~[continued]~~ health insurance benefits from the political
10 subdivision that employed the deceased individual, including
11 health coverage:

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

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

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

17 (2) under Chapter 172, Local Government Code.

18 (c) The surviving spouse is entitled to ~~[continue to]~~
19 purchase or continue to purchase health insurance coverage until
20 the date the surviving spouse becomes eligible for federal Medicare
21 benefits.

22 SECTION 6. Section 615.074, Government Code, is amended to
23 read as follows:

24 Sec. 615.074. BENEFIT TO DEPENDENT. (a) An eligible
25 surviving dependent who is a minor child is entitled to purchase or
26 continue to purchase health insurance coverage until the date the
27 dependent reaches the age of 18 or a later date to the extent

1 required by state or federal law.

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

5 (1) the date the dependent becomes eligible for group
6 health insurance through another employer; or

7 (2) the date the dependent becomes eligible for
8 federal Medicare benefits.

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

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

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

23 SECTION 8. Section 615.076, Government Code, is amended to
24 read as follows:

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

1 of an active employee.

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

5 SECTION 9. Section 615.077, Government Code, is amended to
6 read as follows:

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

9 (1) is entitled to:

10 (A) make payments for the coverage or have
11 payments made on the survivor's behalf at the same time and to the
12 same entity that payments for coverage are made by current
13 employees of the employing entity; and

14 (B) obtain the coverage at the rate paid by
15 current employees of the employing entity for that coverage; and

16 (2) may not be required to pay a premium amount for the
17 coverage that is greater than the premium amount that a current
18 employee of the employing entity without a spouse is required to pay
19 to cover the employee alone or to cover the employee and the
20 employee's dependent children, as applicable to the eligible
21 survivor.

22 SECTION 10. Subchapter D, Chapter 615, Government Code, is
23 amended by adding Section 615.082 to read as follows:

24 Sec. 615.082. LIMITED ELIGIBILITY OF CERTAIN SURVIVORS TO
25 REAPPLY FOR COVERAGE. (a) This section applies only to the
26 eligible survivor of an individual described by Section 615.071 who
27 died on or after September 1, 1993.

1 (b) Notwithstanding any other law, an eligible survivor to
2 whom this section applies who did not purchase or receive health
3 insurance coverage or benefits under this chapter on or before the
4 date of the individual's death, or who did not notify the
5 individual's employing entity of the survivor's election to
6 purchase or continue to purchase coverage within the time allowed
7 by law after the individual's death, may apply for health insurance
8 benefits or coverage not later than September 1, 2012. An eligible
9 survivor who applies for coverage under this section may purchase
10 coverage according to the same rate schedule and coverage options
11 that would apply if the eligible survivor had continued to purchase
12 coverage after the individual's death.

13 (c) This section expires September 2, 2012.

14 SECTION 11. This Act takes effect immediately if it
15 receives a vote of two-thirds of all the members elected to each
16 house, as provided by Section 39, Article III, Texas Constitution.
17 If this Act does not receive the vote necessary for immediate
18 effect, this Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 423 passed the Senate on April 7, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on April 29, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 423 passed the House, with amendment, on April 19, 2011, by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor