AN ACT Relating to reimbursement of insurance premiums for retired law enforcement officers and fire fighters; and amending RCW 41.18.060, 41.20.120, and 41.26.150.

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

Sec. 1. RCW 41.18.060 and 1969 ex.s. c 209 s 30 are each amended to read as follows:

Whenever the retirement board, pursuant to examination by the board’s physician and such other evidence as it may require, shall find a fire fighter has been disabled while in the performance of his or her duties it shall declare the fire fighter inactive. For a period of six months from the time of the disability the fire fighter shall draw from the pension fund a disability allowance equal to his or her basic monthly salary and, in addition, shall be provided with medical, hospital and nursing...
care as long as the disability exists. The board may, at its
discretion, elect to reimburse the disabled fire fighter for premiums
the fire fighter has paid for medical insurance that supplements
medicare, including premiums the fire fighter has paid for medicare
part B coverage. If the board finds at the expiration of six months
that the ((fireman)) fire fighter is unable to return to and perform
his or her duties, ((then he)) the fire fighter shall be retired at a
monthly sum equal to fifty percent of the amount of his or her basic
salary at any time thereafter attached to the rank which he or she held
at the date of ((his)) retirement: PROVIDED, That where, at the time
of retirement hereafter for disability under this section, ((such
fireman)) the fire fighter has served honorably for a period of more
than twenty-five years as a member, in any capacity of the regularly
constituted fire department of a municipality, ((he)) the fire fighter
shall have his or her pension payable under this section increased by
two percent of his or her basic salary per year for each full year of
additional service to a maximum of five additional years.

Sec. 2. RCW 41.20.120 and 1961 c 191 s 4 are each amended to read
as follows:

Whenever any active member of the police department, or any member
hereafter retired, on account of service, sickness or disability, not
caused or brought on by dissipation or abuse, of which the board shall
be judge, is confined in any hospital or in his or her home and,
whether or not so confined, requires nursing, care, or attention, the
board shall pay for ((such)) the active member the necessary hospital,
care, and nursing expenses of ((such)) the member out of the fund; and
the board may pay for ((such)) the retired member hospital, care, and
nursing expenses as are reasonable, in the board’s discretion. The
board may, at its discretion, elect, in lieu of paying some or all such
expenses for the retired member, to reimburse the retired member for
premiums the member has paid for medical insurance that supplements
medicare, including premiums the member has paid for medicare part B
coverage. The salary of (such) the active member shall continue
while he or she is necessarily confined to (such) the hospital or
home or elsewhere during the period of recuperation, as determined by
the board, for a period not exceeding six months; after which period
the other provisions of this chapter shall apply: PROVIDED, That the
board in all cases may have the active or retired member suffering from
such sickness or disability examined at any time by a licensed
physician or physicians, to be appointed by the board, for the purpose
of ascertaining the nature and extent of the sickness or disability,
the physician or physicians to report to the board the result of the
examination within three days thereafter. Any active or retired member
who refuses to submit to such examination or examinations shall forfeit
all his or her rights to benefits under this section: PROVIDED
FURTHER, That the board shall designate the hospital and medical
services available to (such) the sick or disabled policeman.

Sec. 3. RCW 41.26.150 and 1991 c 35 s 22 are each amended to read
as follows:
(1) Whenever any active member, or any member hereafter retired, on
account of service, sickness or disability, not caused or brought on
by dissipation or abuse, of which the disability board shall be judge,
is confined in any hospital or in home, and whether or not so confined,
requires medical services, the employer shall pay for (such) the
active or retired member the necessary medical services not payable
from some other source as provided for in subsection (2) of this
section. In the case of active or retired fire fighters the employer
may make the payments provided for in this section from the firemen’s
pension fund established pursuant to RCW 41.16.050 where (such) the fund had been established prior to March 1, 1970. If this pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters 41.16 and 41.18 RCW.

(a) The disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all rights to benefits under this section for the period of (such) the refusal.

(b) The disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workers’ compensation, social security including the changes incorporated under Public Law 89-97 (as now or hereafter amended), insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 (as now or hereafter amended) shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making (such) the payments (as are) provided for in subsection (1) of this section, the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member’s injuries or for (the) payment of the cost of medical services in connection with a member’s sickness or disability to the
extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers’ and fire fighters’ retirement system, and/or retired former employees who were, before retirement, members of ((said)) the retirement system, through contracts with regularly constituted insurance carriers, with health maintenance organizations as defined in chapter 48.46 RCW, or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any ((such)) the plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

(5) Any employer under this chapter may, at its discretion, elect to reimburse a retired former employee under this chapter for premiums the retired former employee has paid for medical insurance that supplements medicare, including premiums the retired former employee has paid for medicare part B coverage.

Passed the House February 17, 1992.
Passed the Senate March 5, 1992.
Approved by the Governor March 20, 1992.
Filed in Office of Secretary of State March 20, 1992.