
SUBSTITUTE HOUSE BILL 2867

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Edmondson, Horn, Orr, Winsley, Jones, Paris, Wood, Bray and J. Kohl)

Read first time 02/11/92.

1 AN ACT Relating to reimbursement of insurance premiums for retired
2 law enforcement officers and fire fighters; and amending RCW 41.18.060,
3 41.20.120, and 41.26.150.

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

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

7 Whenever the retirement board, pursuant to examination by the
8 board's physician and such other evidence as it may require, shall find
9 a ((fireman)) fire fighter has been disabled while in the performance
10 of his or her duties it shall declare ((him)) the fire fighter
11 inactive. For a period of six months from the time of ((such)) the
12 disability ((he)) the fire fighter shall draw from the pension fund a
13 disability allowance equal to his or her basic monthly salary and, in
14 addition, ((he)) shall be provided with medical, hospital and nursing

1 care as long as the disability exists. The board may, at its
2 discretion, elect to reimburse the disabled fire fighter for premiums
3 the fire fighter has paid for medical insurance that supplements
4 medicare, including premiums the fire fighter has paid for medicare
5 part B coverage. If the board finds at the expiration of six months
6 that the ((fireman)) fire fighter is unable to return to and perform
7 his or her duties, ((then he)) the fire fighter shall be retired at a
8 monthly sum equal to fifty percent of the amount of his or her basic
9 salary at any time thereafter attached to the rank which he or she held
10 at the date of ((his)) retirement: PROVIDED, That where, at the time
11 of retirement hereafter for disability under this section, ((such
12 fireman)) the fire fighter has served honorably for a period of more
13 than twenty-five years as a member, in any capacity of the regularly
14 constituted fire department of a municipality, ((he)) the fire fighter
15 shall have his or her pension payable under this section increased by
16 two percent of his or her basic salary per year for each full year of
17 additional service to a maximum of five additional years.

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

20 Whenever any active member of the police department, or any member
21 hereafter retired, on account of service, sickness or disability, not
22 caused or brought on by dissipation or abuse, of which the board shall
23 be judge, is confined in any hospital or in his or her home and,
24 whether or not so confined, requires nursing, care, or attention, the
25 board shall pay for ((such)) the active member the necessary hospital,
26 care, and nursing expenses of ((such)) the member out of the fund; and
27 the board may pay for ((such)) the retired member hospital, care, and
28 nursing expenses as are reasonable, in the board's discretion. The
29 board may, at its discretion, elect, in lieu of paying some or all such

1 expenses for the retired member, to reimburse the retired member for
2 premiums the member has paid for medical insurance that supplements
3 medicare, including premiums the member has paid for medicare part B
4 coverage. The salary of ((such)) the active member shall continue
5 while he or she is necessarily confined to ((such)) the hospital or
6 home or elsewhere during the period of recuperation, as determined by
7 the board, for a period not exceeding six months; after which period
8 the other provisions of this chapter shall apply: PROVIDED, That the
9 board in all cases may have the active or retired member suffering from
10 such sickness or disability examined at any time by a licensed
11 physician or physicians, to be appointed by the board, for the purpose
12 of ascertaining the nature and extent of the sickness or disability,
13 the physician or physicians to report to the board the result of the
14 examination within three days thereafter. Any active or retired member
15 who refuses to submit to such examination or examinations shall forfeit
16 all his or her rights to benefits under this section: PROVIDED
17 FURTHER, That the board shall designate the hospital and medical
18 services available to ((such)) the sick or disabled policeman.

19 **Sec. 3.** RCW 41.26.150 and 1991 c 35 s 22 are each amended to read
20 as follows:

21 (1) Whenever any active member, or any member hereafter retired, on
22 account of service, sickness, or disability, not caused or brought on
23 by dissipation or abuse, of which the disability board shall be judge,
24 is confined in any hospital or in home, and whether or not so confined,
25 requires medical services, the employer shall pay for ((such)) the
26 active or retired member the necessary medical services not payable
27 from some other source as provided for in subsection (2) of this
28 section. In the case of active or retired fire fighters the employer
29 may make the payments provided for in this section from the firemen's

1 pension fund established pursuant to RCW 41.16.050 where ((such)) the
2 fund had been established prior to March 1, 1970. If this pension fund
3 is depleted, the employer shall have the obligation to pay all benefits
4 payable under chapters 41.16 and 41.18 RCW.

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

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

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

25 (3) Upon making ((such)) the payments ((as are)) provided for in
26 subsection (1) of this section, the employer shall be subrogated to all
27 rights of the member against any third party who may be held liable for
28 the member's injuries or for ((the)) payment of the cost of medical
29 services in connection with a member's sickness or disability to the

1 extent necessary to recover the amount of payments made by the
2 employer.

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

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