
HOUSE BILL 2867

State of Washington

52nd Legislature

1992 Regular Session

By Representatives H. Sommers, Edmondson, Horn, Orr, Winsley, Jones, Paris, Wood, Bray and J. Kohl

Read first time 01/29/92. Referred to Committee on Appropriations.

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

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

5 **Sec. 1.** RCW 41.20.120 and 1961 c 191 s 4 are each amended to read
6 as follows:

7 Whenever any active member of the police department, or any member
8 hereafter retired, on account of service, sickness or disability, not
9 caused or brought on by dissipation or abuse, of which the board shall
10 be judge, is confined in any hospital or in his or her home and,
11 whether or not so confined, requires nursing, care, or attention, the
12 board shall pay for ((such)) the active member the necessary hospital,
13 care, and nursing expenses of ((such)) the member out of the fund; and
14 the board may pay for ((such)) the retired member hospital, care, and

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

21 **Sec. 2.** RCW 41.26.150 and 1991 c 35 s 22 are each amended to read
22 as follows:

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

1 section. In the case of active or retired fire fighters the employer
2 may make the payments provided for in this section from the firemen's
3 pension fund established pursuant to RCW 41.16.050 where ((such)) the
4 fund had been established prior to March 1, 1970. If this pension fund
5 is depleted, the employer shall have the obligation to pay all benefits
6 payable under chapters 41.16 and 41.18 RCW.

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

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

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

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

1 services in connection with a member's sickness or disability to the
2 extent necessary to recover the amount of payments made by the
3 employer.

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