



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Public Safety

KEITH D. SQUIRES
Commissioner

May 20, 2016

Dear Chief Administrator:

During the 2015 legislative session HB288 (Line-of-Duty Death Benefits for Peace Officers and Firefighters) was passed into law with an effective date of July 1, 2015. In an effort to ensure state or local government agencies are familiar with the obligations of the new law, members of the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board (defined in 53-17-402) felt it important to provide you with information.

As you become familiar with HB288, you will find that upon the line-of-duty death of a law enforcement officer or firefighter, the employer shall provide the surviving spouse and children health coverage under the employer's group health plan as if the surviving spouse was an employee. This coverage must be provided by the employer for the first 24 months after the line-of-duty death.

Beginning the 25th month after the line-of-duty death, the employer shall continue to provide the surviving spouse and children health coverage under the group plan; however, if the employer elects to participate in the cost-sharing agreement overseen by the Department of Public Safety prior to July 1, 2017, and pay the annual participation premium as determined by the board, the employer may be reimbursed for the cost of health coverage premiums from the trust fund.

An actuarial analysis has determined that the initial rate to be charged for participation in the cost sharing agreement is between \$87.00 and \$132.00 per law enforcement officer or firefighter annually. This rate range is influenced by a number of variables, variables the Board is currently discussing to determine an appropriate rate. The initial rate will be within the range specified. Once the rate is determined, it will be communicated to each city or county agency and should an agency desire to participate, payment will be required by June 30th, 2017 for the coverage period of July 1, 2017 to June 30, 2018.

The Board will rely on annual or bi-annual actuarial analysis to determine future rates. To continue participation, future rate payments will be due by June 30th annually, which is the day before the annual coverage period begins.

During the 2016 legislative session, HB159 amended some of the language originally enacted in 2015. The bill clarifies that an employer that chooses to participate in the cost-sharing agreement before July 1, 2017, will be eligible for reimbursement of health care costs for a surviving spouse or children in the event of a line of duty death that occurs on or after July 1, 2015.

Please be aware, that any future line of duty death that occurs after July 1, 2017 and occurs during a time when an agency chooses not to be a participant of the trust fund, will not be eligible for the health insurance reimbursement from the trust fund for the entire period of time health insurance is provided to that person's surviving spouse and children.

In addition, a statement was included in the bill to add a retrospective operation to July 1, 2005. Our interpretation of the retrospective language is that an employer is obligated to allow the surviving spouse and children to remain eligible for health coverage under the employer's group health plan in the event of a line of duty death that occurred on or after July 1, 2005. The health care costs for an individual under this circumstance are not reimbursable from the trust fund.

The board encourages you to share this information with your city/county officials, human resources staff and budget staff.

If you are interested in participating in the cost sharing agreement, please contact Kim Gibb kgibb@utah.gov. You will be provided a copy of the cost sharing agreement, along with instructions for participation.

Respectfully

A handwritten signature in black ink, appearing to read "Keith D. Squires". The signature is written in a cursive style with a large initial "K".

Keith D. Squires
Commissioner