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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. PHEFFER
-- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to authorizing coverage under the New York state health insurance program for after-adopted children of unremarried spouses of deceased employees of the state or a participating employer

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 165 of the civil service law, as
2 amended by chapter 608 of the laws of 1977, is amended to read as
3 follows:
4 2. In the event of death of an employee having coverage at the time of
5 death for himself OR HERSELF and his OR HER dependents, and where the
6 circumstances of death are such that beneficiaries or dependents of such
7 deceased employee are entitled to an accidental death benefit payable by
8 a retirement system or pension plan administered by the state or a civil
9 division thereof on account of death resulting from an accident
10 sustained in the performance of his OR HER duties or to death benefits
11 provided for under the [workmen's] WORKERS' compensation law, the unre-
12 married spouse of such employee covered at the time of his OR HER death
13 and his OR HER covered dependents, for so long as they would otherwise
14 qualify as dependents eligible for coverage under the regulations of the
15 president, shall be eligible to continue full coverage under the health
16 insurance plan upon payment at intervals determined by the president of
17 the full cost of such coverage; provided, however, that the state shall
18 pay and any participating employer may elect to pay the full cost of
19 such coverage, except that in the case of those enrolled in an optional
20 benefit plan, the employer shall contribute not more than the same
21 dollar amount which would be paid if such unremarried spouse and depen-
22 dents were enrolled in the basic statewide health insurance plan. The

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 president shall adopt such regulations as may be required to carry out
2 the provisions of this subdivision, which shall include, but need not be
3 limited to, provisions for filing application for continued coverage,
4 including reasonable time limits therefor, and provisions for continued
5 coverage of spouse and dependents pending determination of an applica-
6 tion for accidental death benefits from a retirement system or pension
7 plan administered by the state or a civil division thereof or pending
8 determination of a claim for death benefits under the [workmen's] WORK-
9 ERS' compensation law. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM
10 "DEPENDENT" SHALL BE DEEMED TO INCLUDE A CHILD ADOPTED BY THE UNREMAR-
11 RIED SPOUSE OF THE DECEASED EMPLOYEE AFTER SUCH EMPLOYEE'S DEATH, IF
12 SUCH CHILD WOULD BE ELIGIBLE FOR SUCH STATUS HAD SUCH CHILD BEEN ADOPTED
13 BY THE EMPLOYEE PRIOR TO HIS OR HER DEATH.

14 S 2. The opening paragraph of section 165-a of the civil service law,
15 as amended by chapter 467 of the laws of 1991, is amended to read as
16 follows:

17 Notwithstanding any other provision of law to the contrary, the presi-
18 dent shall permit the unremarried spouse and the dependents, otherwise
19 qualified as eligible for coverage under regulations of the president,
20 of a person who was an employee of the state and/or of a political
21 subdivision thereof or of a public authority for not less than ten
22 years[,]; provided, however, that the ten-year service requirement shall
23 not apply to such employees on active military duty in connection with
24 the Persian Gulf conflict who [die] DIED on or after August second,
25 nineteen hundred ninety while in the Persian Gulf combat zone or while
26 performing such military duties, who had been a participant in any of
27 the state health insurance plans, to continue under the coverage which
28 such deceased employee had in effect at the time of death, upon the
29 payment at intervals determined by the president of the full cost of
30 such coverage[,]; provided, however, that the unremarried spouse of an
31 active employee of the State who died on or after April first nineteen
32 hundred seventy-five and before April first nineteen hundred seventy-
33 nine who timely elected to continue dependent coverage, or such unremar-
34 ried spouse who timely elected individual coverage shall continue to pay
35 at intervals determined by the president one-quarter of the full cost of
36 dependent coverage; and provided further[,], that, with regard to employ-
37 ees of the State, where and to the extent that an agreement pursuant to
38 article fourteen of this chapter so provides, or where the director of
39 employee relations, with respect to employees of the State who are not
40 included within a negotiating unit so recognized or certified pursuant
41 to article fourteen of this chapter whom the director of employee
42 relations determines should be declared eligible for the continuation of
43 health insurance plans for the survivors of such employees of the State,
44 the president shall adopt regulations providing for the continuation of
45 such health insurance by the unremarried spouse of an active employee of
46 the State who died on or after April first nineteen hundred seventy-nine
47 who elects to continue dependent coverage, or such unremarried spouse
48 who elects individual coverage, and, upon such election, shall pay at
49 intervals determined by the president one-quarter of the full cost of
50 dependent coverage; and[,], provided further THAT, with respect to
51 enrolled employees of a political subdivision or public authority in a
52 negotiating unit recognized or certified pursuant to article fourteen of
53 this chapter, where an agreement negotiated pursuant to said article so
54 provides, and with respect to enrolled employees of a political subdivi-
55 sion or public authority not included within a negotiating unit so
56 recognized or certified, at the discretion of the appropriate political

1 subdivision or public authority, the unremarried spouse of an active
2 employee of the political subdivision or of the public authority who
3 died on or after April first nineteen hundred seventy-five[,] may elect
4 to continue dependent coverage or such unremarried spouse may elect
5 individual coverage and, upon such election, shall pay at intervals
6 determined by the president one-quarter of the full cost of dependent
7 coverage. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "DEPENDENT"
8 SHALL BE DEEMED TO INCLUDE A CHILD ADOPTED BY THE UNREMARIED SPOUSE OF
9 THE DECEASED EMPLOYEE AFTER SUCH EMPLOYEE'S DEATH, IF SUCH CHILD WOULD
10 BE ELIGIBLE FOR SUCH STATUS HAD SUCH CHILD BEEN ADOPTED BY THE EMPLOYEE
11 PRIOR TO HIS OR HER DEATH.

12 S 3. This act shall take effect on the first of January next succeed-
13 ing the date on which it shall have become a law.