

6329

I N S E N A T E

January 26, 2012

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to members of the state police with injuries or illness incurred in the performance of duties

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

1 Section 1. The civil service law is amended by adding a new section
2 154-d to read as follows:
3 S 154-D. PAYMENT OF SALARY, WAGES, MEDICAL AND HOSPITAL EXPENSES OF
4 MEMBERS OF THE STATE POLICE WITH INJURIES OR ILLNESS INCURRED IN THE
5 PERFORMANCE OF DUTIES. 1. ANY MEMBER OF THE STATE POLICE WHO IS INJURED
6 IN THE PERFORMANCE OF HIS OR HER DUTIES OR WHO IS TAKEN SICK AS A RESULT
7 OF THE PERFORMANCE OF HIS OR HER DUTIES SO AS TO NECESSITATE MEDICAL OR
8 OTHER LAWFUL REMEDIAL TREATMENT SHALL BE PAID BY THE DIVISION OF STATE
9 POLICE THE FULL AMOUNT OF HIS OR HER REGULAR SALARY OR WAGES UNTIL HIS
10 OR HER DISABILITY ARISING THEREFROM HAS CEASED, AND, IN ADDITION THE
11 DIVISION OF STATE POLICE SHALL BE LIABLE FOR ALL MEDICAL TREATMENT AND
12 HOSPITAL CARE NECESSITATED BY REASON OF SUCH INJURY OR ILLNESS.
13 PROVIDED, HOWEVER, AND NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS
14 SECTION, THE DIVISION OF STATE POLICE HEALTH AUTHORITIES OR ANY PHYSI-
15 CIAN APPOINTED FOR THE PURPOSE BY THE DIVISION OF STATE POLICE, AFTER A
16 DETERMINATION HAS FIRST BEEN MADE THAT SUCH INJURY OR SICKNESS WAS
17 INCURRED DURING, OR RESULTED FROM, SUCH PERFORMANCE OF DUTY, MAY ATTEND
18 ANY SUCH INJURED OR SICK MEMBER, FROM TIME TO TIME, FOR THE PURPOSE OF
19 PROVIDING MEDICAL, SURGICAL OR OTHER TREATMENT, OR FOR MAKING
20 INSPECTIONS AND THE DIVISION OF STATE POLICE SHALL NOT BE LIABLE FOR
21 SALARY OR WAGES PAYABLE TO SUCH MEMBER, OR FOR THE COST OF MEDICAL
22 TREATMENT OR HOSPITAL CARE FURNISHED AFTER SUCH DATE AS SUCH HEALTH
23 AUTHORITIES OR PHYSICIAN SHALL CERTIFY THAT SUCH INJURED OR SICK MEMBER
24 HAS RECOVERED AND IS PHYSICALLY ABLE TO PERFORM HIS OR HER REGULAR
25 DUTIES. ANY INJURED OR SICK MEMBER WHO SHALL REFUSE TO ACCEPT MEDICAL
26 TREATMENT OR HOSPITAL CARE OR SHALL REFUSE TO PERMIT MEDICAL INSPECTIONS
27 AS AUTHORIZED BY THIS SUBDIVISION, INCLUDING EXAMINATIONS PURSUANT TO

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

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1 SECTION THREE HUNDRED SIXTY-THREE-B OR THREE HUNDRED SIXTY-THREE-BB OF
2 THE RETIREMENT AND SOCIAL SECURITY LAW, SHALL BE DEEMED TO HAVE WAIVED
3 HIS OR HER RIGHTS UNDER THIS SECTION IN RESPECT TO EXPENSES FOR MEDICAL
4 TREATMENT OR HOSPITAL CARE RENDERED AND FOR SALARY OR WAGES PAYABLE
5 AFTER SUCH REFUSAL.

6 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PROVIDER OF
7 MEDICAL TREATMENT OR HOSPITAL CARE FURNISHED PURSUANT TO THE PROVISIONS
8 OF THIS SECTION SHALL NOT COLLECT OR ATTEMPT TO COLLECT REIMBURSEMENT
9 FOR SUCH TREATMENT OR CARE FROM ANY SUCH MEMBER OF THE STATE POLICE.

10 2. PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED
11 BY SUBDIVISION ONE OF THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT
12 TO ANY MEMBER OF THE STATE POLICE WHO IS PERMANENTLY DISABLED AS A
13 RESULT OF AN INJURY OR SICKNESS INCURRED OR RESULTING FROM THE PERFORM-
14 ANCE OF HIS OR HER DUTIES IF SUCH MEMBER IS GRANTED AN ACCIDENTAL DISA-
15 BILITY RETIREMENT ALLOWANCE PURSUANT TO SECTION THREE HUNDRED
16 SIXTY-THREE-BB OF THE RETIREMENT AND SOCIAL SECURITY LAW, A STATE POLICE
17 DISABILITY ALLOWANCE PURSUANT TO SECTION THREE HUNDRED SIXTY-THREE-B OF
18 THE RETIREMENT AND SOCIAL SECURITY LAW OR SIMILAR ACCIDENTAL DISABILITY
19 PENSION PROVIDED BY THE PENSION FUND OF WHICH HE OR SHE IS A MEMBER. IF
20 APPLICATION FOR SUCH RETIREMENT ALLOWANCE OR PENSION IS NOT MADE BY SUCH
21 MEMBER, APPLICATION THEREFOR MAY BE MADE BY THE SUPERINTENDENT OF STATE
22 POLICE.

23 3. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED SUCH ACCI-
24 DENTAL DISABILITY RETIREMENT ALLOWANCE OR STATE POLICE DISABILITY ALLOW-
25 ANCE OR SIMILAR ACCIDENTAL DISABILITY PENSION AND IS NEVERTHELESS, IN
26 THE OPINION OF SUCH HEALTH AUTHORITIES OR PHYSICIAN, UNABLE TO PERFORM
27 HIS OR HER REGULAR DUTIES AS A RESULT OF SUCH INJURY OR SICKNESS BUT IS
28 ABLE, IN THEIR OPINION, TO PERFORM SPECIFIED TYPES OF LIGHT POLICE DUTY,
29 PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR WAGES, AS PROVIDED BY
30 SUBDIVISION ONE OF THIS SECTION, SHALL BE DISCONTINUED WITH RESPECT TO
31 SUCH MEMBER IF HE OR SHE SHALL REFUSE TO PERFORM SUCH LIGHT POLICE DUTY
32 IF THE SAME IS AVAILABLE AND OFFERED TO HIM OR HER, PROVIDED, HOWEVER,
33 THAT SUCH LIGHT DUTY SHALL BE CONSISTENT WITH HIS OR HER STATUS AS A
34 MEMBER OF THE STATE POLICE AND SHALL ENABLE HIM OR HER TO CONTINUE TO BE
35 ENTITLED TO HIS OR HER REGULAR SALARY OR WAGES, INCLUDING INCREASES
36 THEREOF AND FRINGE BENEFITS, TO WHICH HE OR SHE WOULD HAVE BEEN ENTITLED
37 IF HE OR SHE WERE ABLE TO PERFORM HIS OR HER REGULAR DUTIES.

38 4. IF SUCH A MEMBER IS NOT ELIGIBLE FOR OR IS NOT GRANTED AN ACCI-
39 DENTAL DISABILITY RETIREMENT ALLOWANCE OR STATE POLICE DISABILITY ALLOW-
40 ANCE OR SIMILAR ACCIDENTAL DISABILITY PENSION, HE OR SHE SHALL NOT BE
41 ENTITLED TO FURTHER PAYMENT OF THE FULL AMOUNT OF REGULAR SALARY OR
42 WAGES, AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, AFTER HE OR SHE
43 SHALL HAVE ATTAINED THE MANDATORY SERVICE RETIREMENT AGE APPLICABLE TO
44 HIM OR HER OR SHALL HAVE ATTAINED THE AGE OR PERFORMED THE PERIOD OF
45 SERVICE SPECIFIED BY APPLICABLE LAW FOR THE TERMINATION OF HIS OR HER
46 SERVICE.

47 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY OR CONTAINED
48 IN THIS SECTION, A CAUSE OF ACTION SHALL ACCRUE TO THE DIVISION OF STATE
49 POLICE FOR REIMBURSEMENT IN SUCH SUM OR SUMS ACTUALLY PAID AS SALARY OR
50 WAGES AND/OR FOR MEDICAL TREATMENT AND HOSPITAL CARE AS AGAINST ANY
51 THIRD PARTY AGAINST WHOM THE MEMBER SHALL HAVE A CAUSE OF ACTION FOR THE
52 INJURY SUSTAINED OR SICKNESS CAUSED BY SUCH THIRD PARTY.

53 S 2. This act shall take effect on the one hundred eightieth day after
54 it shall have become a law.