

## **Recommendations and Options**

### **Virginia’s Line of Duty Act**

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#### **RECOMMENDATION 1**

The General Assembly may wish to consider amending the Code of Virginia to eliminate mandatory investigations for Line of Duty Act claims and require claimants to submit documents directly to the agency responsible for determining eligibility for the program. The agency could be permitted to request the assistance of the Virginia State Police with obtaining documents when necessary (Chapter 3, page 27).

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#### **RECOMMENDATION 2**

The Department of Accounts should (i) review case documentation for completeness and request missing information immediately upon receipt, and (ii) notify claimants of the approval or denial as soon as that information is available, rather than waiting until all of the eligible beneficiaries have been validated (Chapter 3, page 28).

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#### **RECOMMENDATION 3**

The General Assembly may wish to consider amending the Code of Virginia to provide employers with standing to appeal eligibility determinations for the Line of Duty Act program (Chapter 3, page 29).

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#### **RECOMMENDATION 4**

The General Assembly may wish to consider amending the Code of Virginia to repeal §9.1-406, which provides for LODA appeals to be handled “as in civil actions generally” (Chapter 3, page 30).

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#### **RECOMMENDATION 5**

The General Assembly may wish to consider amending the Code of Virginia to (i) more clearly define the criteria for “line of duty,” “disabled person,” and termination of health insurance upon “coverage by alternative health insurance,” and (ii) require the agency responsible for making eligibility determinations to develop regulations or formal, published policies to implement these statutory changes (Chapter 3, page 31).

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### **RECOMMENDATION 6**

The General Assembly may wish to consider amending the Code of Virginia to direct the Department of Human Resource Management to develop standard criteria for assessing comparability across health insurance plans, for use by all entities that administer Line of Duty Act benefits. (Chapter 3, page 32).

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### **RECOMMENDATION 7**

The General Assembly may wish to consider amending the Code of Virginia to specify that continued health insurance coverage provided through the Line of Duty Act should be the same or comparable to what their former state or local employer is currently making available to active employees (Chapter 3, page 33).

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### **RECOMMENDATION 8**

The General Assembly may wish to consider amending the Code of Virginia to require all agencies with employees covered by the Line of Duty Act to obtain a signed designation of beneficiary form every three years for each covered employee and volunteer (Chapter 3, page 34).

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### **RECOMMENDATION 9**

The General Assembly may wish to consider amending the Code of Virginia to transfer responsibility for making Line of Duty Act eligibility decisions from the State Comptroller to the Virginia Retirement System (Chapter 3, page 37).

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### **RECOMMENDATION 10**

The General Assembly may wish to consider amending the Code to transfer responsibility for administering the Line of Duty Act health insurance benefits from the Department of Accounts to the Department of Human Resource Management (Chapter 3, page 37).

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### **OPTION 1**

The General Assembly could consider amending the Code of Virginia to require the state and localities to include (i) being found eligible for benefits under the Line of Duty Act and (ii) losing alternative health insurance coverage after being found eligible for Line of Duty Act benefits as qualifying events for purposes of enrolling in state and local group health insurance plans (Chapter 4, page 45).

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### **OPTION 2**

The General Assembly could consider amending the Code of Virginia to direct the Department of Human Resource Management to establish a separate Line of Duty Act health insurance plan and require all Line of Duty Act beneficiaries to enroll in that plan (Chapter 4, page 48).

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**OPTION 3**

The General Assembly could consider amending the Code of Virginia to require Line of Duty Act beneficiaries to use employer-subsidized health insurance plans if available and comparable to the health insurance coverage currently offered by their former employer (Chapter 4, page 49).

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**OPTION 4**

The General Assembly could consider amending the Code of Virginia to require Line of Duty Act beneficiaries to pay the active employee share of health insurance premiums or 20 percent, whichever is lower, if their household income exceeds 250 percent of the federal poverty level (Chapter 5, page 58).

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**OPTION 5**

The General Assembly could consider amending the Code of Virginia to discontinue Line of Duty Act benefits for disabled public safety officers who are earning at least as much as their pre-disability salary and have access to comparable, affordable health insurance (Chapter 5, page 61).

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**OPTION 6**

The General Assembly could consider amending the Code of Virginia to redefine “disabled person” more narrowly in the Line of Duty Act to reduce the circumstances under which public safety officers are eligible for benefits (Chapter 5, page 64).

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**OPTION 7**

The General Assembly could consider amending the Code of Virginia to eliminate from the eligibility criteria of the Line of Duty Act the presumptive causes listed in the definitions of “deceased person” and “disabled person” (Chapter 5, page 66).

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**OPTION 8**

The General Assembly could consider amending the Code of Virginia to redefine “line of duty” to include only deaths and disabilities occurring as a direct and proximate result of public safety responsibilities (Chapter 5, page 69).

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**OPTION 9**

The General Assembly could consider amending the Code of Virginia to discontinue Line of Duty Act health insurance benefits when beneficiaries become eligible for Medicare at age 65 (Chapter 5, page 71).

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**OPTION 10**

The General Assembly could consider amending the Code of Virginia to require the Department of Fire Programs and the Department of Criminal Justice Services to develop and disseminate best practices in line of duty death and disability prevention and health and wellness programs (Chapter 5, page 72).

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**OPTION 11**

The General Assembly could consider establishing a policy to pre-fund benefits for employers that participate in the LODA Fund (Chapter 6, page 81)

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