

13 AAC is amended by adding a new chapter to read:

Chapter 70. Peace Officer and Firefighter Survivors' Fund.

13 AAC 70.010. Purpose. The purpose of this chapter is to establish rules for determining eligibility to participate in, and receive medical insurance premium payments from, the Peace Officer and Firefighter Survivors' Fund under AS 39.60.

(Eff. ___/___/___, Register ___)

Authority: AS 18.65.670 AS 39.60.020

13 AAC 70.020. Application for medical insurance premium payments. (a) An application for medical insurance premium payments under the fund shall be submitted to the department on forms designated by the department. An application may be submitted by a surviving dependent or an authorized representative of a surviving dependent.

(b) An application may be submitted to the department in person or by electronic mail, facsimile transmission, or U.S. Mail at the address or facsimile number designated by the department.

(c) A surviving dependent is presumed eligible to receive medical insurance premium payments for the first 60 days following the peace officer or firefighter's death or July 1, 2017, whichever is later. The surviving dependent or their authorized representative must initially request the medical insurance premium payments from the department in writing and provide information necessary to support the request.

(d) Notwithstanding 13 AAC 70.060(c), failure to make timely application as provided in this section will result in termination of medical insurance premium payments under the fund beginning the month following the period of presumed eligibility under AS 39.60.040(a).

(e) The department may deny an application for failure to complete the application form or otherwise to provide information needed to determine eligibility as required under this chapter.

(Eff. ___/___/___, Register ___)

Authority: AS 18.65.670 AS 39.60.020

Editor's note: An applicant may submit an application in person, by mail or by facsimile to the Peace Officer and Firefighter Survivors' Fund Program, Department of Public Safety, Division of Administrative Services, 5700 East Tudor Road, Anchorage, Alaska 99507-1225, fax (907) 333-7008.

13 AAC 70.030. Eligibility determination. (a) The department shall determine eligibility for medical insurance premium payments under the fund. To be eligible, a surviving dependent must apply for payments under the fund in accordance with 13 AAC 70.020 and meet the eligibility requirements under 13 AAC 70.040.

(b) The department will make an eligibility determination and provide written notice of the determination to the applicant no later than 30 calendar days after receipt of the completed application and all supporting documentation required to establish eligibility. An application is considered complete when (1) the application form designated by the department is completed in its entirety; (2) the application form is signed by the applicant; and (3) the application form is returned to the department with all required corroborating documents including proof of eligibility.

(Eff. ___/___/___, Register ___)

Authority: AS 18.65.670 AS 39.60.020 AS 39.60.040

13 AAC 70.040. Eligibility requirements. (a) To be eligible to receive medical insurance premium payments beyond the period of presumed eligibility, a surviving dependent must submit a completed application and provide proof of the following:

(1) The death of the peace officer or firefighter in the form of a death certificate;

(2) The peace officer or firefighter was killed as a proximate result of performing the employee's duties, and not as a result of the employee's own negligence;

(3) Employment of the peace officer or firefighter by a participating employer in a full-time, year-round position;

(4) Receipt of benefits by the surviving dependents through the peace officers or firefighters employer-sponsored medical insurance coverage prior to the death of the peace officer or firefighter;

(5) That the surviving spouse was legally married to the peace officer or firefighter at the time of the peace officer or firefighter's death and is not eligible to receive medical insurance coverage through other means;

(6) That each surviving dependent child for whom payment of medical insurance premium payments is sought

(i) is the peace officer or firefighter's child by birth, adoption, or stepchild status

(ii) is under 26 years of age or, if 26 years of age or older, is totally and permanently disabled, and

(iii) is not eligible for to receive medical insurance through other means.

(b) On an annual basis the department will seek verification from the surviving dependents' regarding their continuing eligibility to receive payment of medical insurance

premium payments. Failure of a surviving dependent to certify continuing eligibility will result in termination of payment of medical insurance premium payments.

c) Eligibility ends when the earlier event occurs:

(1) The surviving spouse: (A) has received premium payment for 10 years; (B) becomes eligible to receive alternative major medical insurance coverage, regardless of cost; (C) becomes eligible for Medicare. The 10 year time limit is stayed if the surviving spouse is parenting a surviving dependent child. The 10 year time limit will resume once the child is no longer eligible for benefits.

(2) The surviving dependent children: (A) become eligible to receive alternative major medical insurance coverage, regardless of cost; or (B) reaches 26 years of age. This subsection shall not apply to a child that is totally and permanently disabled as determined by the department.

(Eff. ___/___/____, Register ___)

Authority: AS 18.65.670 AS 39.60.020 AS 39.60.040

13 AAC 70.042. Verification and documentation. (a) An applicant shall, upon request, provide the department with verification of dependent status and any other information contained in the application. An applicant shall provide verification acceptable to the department through official marriage or birth certificates, adoption records, or other official documentary evidence. An applicant shall verify ineligibility for other medical insurance coverage through an attestation or other documents or correspondence from the surviving dependent's employer, staff members or social service agencies, or other third parties.

(b) An applicant shall verify the deceased peace officer's or firefighter's employment and medical insurance participation status by providing a copy of a wage stub, W-2 form, annual tax return information, letter from the peace officer or firefighter's employer or union representative, annual open enrollment forms, or other documentary evidence verifying the position held and hours worked throughout the calendar year.

(c) In addition to an official death certificate, an applicant shall, upon request, provide the department with any reports, summaries, memoranda, or other documents explaining the circumstances surrounding the death of the peace officer or firefighter, including evidence indicating the death occurred in the discharge of the peace officer or firefighters' official duties.

(Eff. ___/___/___, Register ___)

Authority: AS 18.65.670 AS 39.60.020

13 AAC 70.060. Report of changes. (a) It is the responsibility of the recipient or the recipient's authorized representative to report to the department all changes which might affect continuing eligibility for payment of medical insurance premiums under the fund. Such changes must be reported orally or in writing within 10 days after their occurrence. Changes which must be reported include, but are not limited to

- (1) a change in marital status;
- (2) a change in employment status;
- (3) eligibility for Medicare;
- (4) eligibility for medical insurance coverage through other means regardless of the source or cost;
- (5) a surviving dependent child reaching 26 years of age.

(b) Under this chapter, coverage through Medicaid or coverage available through a health insurance marketplace under the Patient Protection and Affordable Care Act shall not constitute eligibility for medical insurance coverage through other means.

(c) Medical insurance premium payments will cease the month following the month a surviving dependent becomes ineligible. If ineligibility is due to eligibility for other major medical insurance and the surviving dependent later loses eligibility for the other major medical insurance, the surviving dependent may reapply for medical insurance premium payments under the fund.

(d) In the event that a change in status or error in a surviving dependent's records results in the payment of medical premiums that the surviving dependent is not entitled to, the department shall correct the error in the department's records and, as far as practicable, recover medical premium payments made in error, regardless of the source of the error. The department may recover medical premium payments made in error through a lump sum payment or a structured repayment plan that ensures the minimal amount of financial impact to the Peace Office and Firefighter Survivors' Fund. In authorizing a structured repayment, the department shall include such interest as necessary to minimize the impact to the Fund. The department, in its discretion, may waive the repayment of an overpayment of medical premium payments, or any portion thereof, if, in the opinion of the department, (1) the repayment will cause undue hardship to a surviving dependent; (2) the surviving dependent did not supply any erroneous information to the department in relation to the medical premium overpayment; (3) the surviving dependent reported all changes to eligibility in a timely manner; and (4) the surviving dependent had no reasonable grounds to believe the medical premium payment occurred in error.

(Eff. ___/___/___, Register ___)

Authority: AS 18.65.670 AS 39.60.020

13 AAC 70.090. Municipal participation in the fund. (a) A local government can apply to the department to participate in the Peace Officer and Firefighter Survivors' Fund under AS 39.60.010 – AS 39.60.190 by completing a participation application provided by the department and entering into a participation agreement with the department. The participation agreement shall designate the amount and frequency of the local government's contribution to the fund, require that the local government stay current with its contributions to the Fund, and require the local government to comply with all regulations promulgated in regard to the Peace Officer and Firefighter Survivors' Fund.

(b) A local government participating in the Fund agrees to pay 100% of the premium to maintain medical insurance coverage for the surviving dependents of peace officers or firefighters killed in the line of duty in addition to any necessary administration costs.

(c) A participating local government agrees to maintain the same level of medical coverage for surviving dependents as was last selected by the deceased peace officer or firefighter, or at the amended level of coverage if the local government amends coverage for all permanent full-time employees.

(d) The department shall retain sole authority to determine survivor eligibility. The local government agrees to provide all requested information needed to determine continuing eligibility.

(e) A local government may apply to the department to participate in the Peace Officer and Firefighter Survivors' Fund after the local government experiences the death of an employee. The Fund will not make any retroactive payment, however nothing in this chapter bars

the local government from paying the surviving dependents' medical insurance cost during the application process.

(f) In the event a local government elects to discontinue its participation in the Peace Office and Firefighter Survivors' Fund, or fails to make the required premium payments, the department is not obligated to make payments to surviving dependent(s) on behalf of the local government. Local governments discontinuing participation in the Fund shall agree to continue any premium payments for eligible surviving dependents for at least one year following their withdrawal from the Fund.

(Eff. ___/___/___, Register ___)

Authority: AS 18.65.670 AS 39.60.020 AS 39.60.050

13 AAC 70.900. Definitions. In this chapter

- (1) "applicant" means a surviving dependent or the surviving dependent's authorized representative;
- (1) "child" has the meaning given in AS 36.30.190 and includes an unborn child of the peace officer or firefighter;
- (2) "employee" means the peace officer or firefighter who is killed in the line of duty;
- (3) "fund" means the Peace Officer and Firefighter Survivors' Fund established in AS 39.60.010;
- (4) "major medical insurance" means medical insurance designed to compensate for particularly large medical expenses due to a severe or prolonged illness, usually by paying a high percentage or medical bills above a certain amount, that covers the expenses associated with

serious illness or hospitalization and does not include limited benefit plans, dental/vision plans, accident supplements, short-term health insurance, or critical illness plans.

(4) “recipient” means a surviving dependent who has been found eligible to participate, and is participating, in the fund;

(5) “surviving dependent” means a surviving spouse or child of a peace officer or firefighter who is killed in the line of duty;

(6) “surviving spouse” means a person who is married to a peace officer or firefighter at the time of the peace officer or firefighters’ death;

(Eff. ___/___/___, Register ___)

Authority: AS 18.65.670 AS 39.60.020