

PUBLIC SAFETY OFFICERS BENEFIT ACT (EXCERPT)
Act 46 of 2004

28.634a Death of public safety officer as direct result of injury in line of duty; medical benefit coverage for surviving spouse and dependent children; requirements; "dependent child" defined.

Sec. 4a.

(1) If a public safety officer dies as a direct and proximate result of a personal injury that is sustained in the line of duty on or after October 1, 2015, this state, upon notice to the office of retirement services from the public agency or entity the officer served, and subject to appropriation, shall provide to the decedent's surviving spouse and dependent children a comparable medical benefit plan on comparable terms to the medical benefit plan offered to Michigan state police trooper retirees, including any change to the medical benefit plan after the public safety officer's death. Coverage for a surviving spouse or dependent child under this section is not required to be provided for more than 60 months after the later of the public safety officer's death or the effective date of this section. Coverage under this section is not required to be provided during any period during which the surviving spouse or dependent child, respectively, has qualified for and is covered by a medical benefit plan from another source. Coverage provided under this section ends for a surviving spouse upon Medicare eligibility. Coverage for a dependent child is not required to be provided under this section after the limiting age for a dependent child or another terminating event that is provided in the medical benefit plan for Michigan state police trooper retirees. However, if 42 USC 300gg-14 requires that dependent child eligibility be applied more broadly, this state shall make the coverage available in compliance with that law.

(2) This section does not require this state to provide medical benefits to a surviving spouse or dependent child who, as a result of the public safety officer's death and independent of this section, would receive benefits under a medical benefit plan through a retirement system administered by this state.

(3) In a manner determined by the office of retirement services, the office of retirement services shall administer benefits provided under this section as part of the Michigan state police trooper retiree medical benefit plan and may coordinate the funding or prefunding of those benefits. The office of retirement services shall determine, at its sole discretion, if a medical benefit plan is comparable and offered on comparable terms to the medical benefit plan offered to Michigan state police trooper retirees for purposes of determining the medical benefit plan that will be offered under this section.

(4) For purposes of this section, "dependent child" means any of the following dependents with respect to the deceased public safety officer:

- (a) His or her unmarried natural or adopted child.
- (b) A child lawfully placed for adoption with the public safety officer.
- (c) His or her stepchild.
- (d) A child under the age of 18 if full legal guardianship was awarded to the public safety officer.

(5) If a dependent child of a deceased public safety officer is receiving coverage under this section, a child of the dependent child is not also a dependent child for purposes of this section.

History: Add. 2016, Act 284, Imd. Eff. Sept. 27, 2016