

ASSEMBLY BILL

No. 2131

Introduced by Assembly Member Leonard

February 20, 2002

An act to add Section 22821.3 to the Government Code, relating to public employee health care benefits, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2131, as introduced, Leonard. Public employee health care benefits: continuing coverage.

Under the Public Employees' Medical and Hospital Care Act, employees and annuitants of the state and contracting agencies, as defined, and the spouse and unmarried children of an employee or annuitant are eligible for health care benefits administered by the Board of Administration of the Public Employees' Retirement System. Employee, annuitant, and employer contributions for those benefits are deposited into one of 2 continuously appropriated funds. Under existing law, the board prescribes age limits and other criteria pertaining to unmarried children for these purposes.

This bill would provide that an adult or married child or former spouse of an employee or annuitant may continue his or her health care benefits coverage for life if the employee or annuitant developed a blood-borne infectious disease, as defined, while employed at a state correctional facility or city or county jail facility and the child or former spouse contracted that disease from that employee or annuitant. By expanding eligibility for health care benefits, the bill would increase the contributions to a continuously appropriated fund, thereby making an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22821.3 is added to the Government
2 Code, to read:
3 22821.3. (a) Any child, including an adopted child, a
4 stepchild, or recognized natural child, of an employee or annuitant
5 shall be deemed to be an annuitant under subdivision (e) of Section
6 22754 for the purpose of continuing his or her enrollment under
7 this part for life, if all of the following conditions exist:
8 (1) The employee or annuitant developed a blood-borne
9 infectious disease in the course of his or her employment at a state
10 correctional facility or city or county jail facility.
11 (2) The child contracted that blood-borne infectious disease
12 from the employee or annuitant.
13 (3) The child was validity enrolled under this part as a family
14 member of the employee or annuitant but is not eligible to continue
15 that enrollment due to the child’s marriage or age.
16 (b) A former spouse of an employee or annuitant, shall be
17 deemed to be an annuitant under subdivision (e) of Section 22754
18 for the purpose of continuing his or her enrollment under this part
19 for life, if all of the following conditions exist:
20 (1) The employee or annuitant developed a blood-borne
21 infectious disease in the course of his or her employment at a state
22 correctional facility or city or county jail facility.
23 (2) The former spouse contracted that blood-borne infectious
24 disease from the employee or annuitant.
25 (3) The former spouse was validity enrolled under this part as
26 a family member of the employee or annuitant but is not eligible
27 to continue that enrollment due to the dissolution of his or her
28 marriage to the employee or annuitant.
29 (c) The term “employer” with respect to any child or former
30 spouse described in this section shall mean either of the following:
31 (1) If the employee or annuitant contracted the blood-borne
32 infectious disease in the course of his or her employment at a state
33 correctional facility, the state.
34 (2) If the employee or annuitant contracted the blood-borne
35 infectious disease in the course of his or her employment at a city



1 or county jail facility, the city or county that has adopted a
2 resolution to be subject to this part pursuant to Section 22850.

3 (d) Enrollment of a child or former spouse under this section
4 shall be continuous as of the date he or she ceases to be an eligible
5 family member under subdivision (f) of Section 22754 and
6 regulations pertinent thereto.

7 (e) For purposes of this section, “blood-borne infectious
8 disease” means a disease caused by exposure to pathogenic
9 microorganisms that are present in human blood that can cause
10 disease in humans, including, but not limited to, human
11 immunodeficiency virus (HIV), hepatitis, and tuberculosis.

12 (f) In the event of a dispute regarding whether the employee or
13 annuitant developed the blood-borne infectious disease in the
14 course of his or her employment, or whether the child or former
15 spouse contracted that disease from the employee or annuitant,
16 that dispute shall be determined by the Workers’ Compensation
17 Appeals Board, subject to the same procedures and standards
18 applicable to hearings relating to claims for workers’
19 compensation benefits. The jurisdiction of the Workers’
20 Compensation Appeals Board under this section shall be limited
21 to the sole issues of industrial causation and this section may not
22 be construed to authorize the Worker’s Compensation Appeals
23 Board to award costs against the system.

