



# COMMONWEALTH of VIRGINIA

## Executive Department

### **EXECUTIVE DIRECTIVE FIFTEEN (2021)**

#### **Authorization for the Department of Military Affairs to Cover Health Insurance Costs for Service Members Called to State Active Duty**

##### **Importance of the Issue**

During emergencies, the Commonwealth of Virginia is often required to call members of the Virginia National Guard and Virginia Defense Force to State Active Duty, a temporary state employee status, to respond to natural or man-made threats. These citizen-soldiers are required to leave their civilian employment to become full-time members of the Virginia National Guard or Virginia Defense Force and often place themselves in harm's way. Under current Virginia law, these service members are not allowed to become participants in the Virginia State Employee Health Care program. When State Active Duty requires service longer than 14 days, some of these service members may lose their civilian health care insurance within 15-30 days of leaving their civilian employment for military duty unless they pay both the employer and the employee portions of their employer-sponsored health care insurance costs. These costs are prohibitively expensive for most service members.

##### **Directive to the Department of Military Affairs**

Therefore, by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia, and by § 44-146.17 of the *Code of Virginia*, I authorize the Virginia Department of Military Affairs (Department) to pay the employer portion of health care insurance premiums for any member of the Virginia National Guard or Virginia Defense Force (Service Member) when the following circumstances are met:

- A state of emergency has been declared for the Commonwealth; and
- The declaration of a state of emergency activated the Virginia National Guard or the Virginia Defense Force; and
- A service member was called to State Active Duty under the declaration of state of emergency for greater than 14 days; and

- The Service Member demonstrates the following to the satisfaction of the Department:
  - Immediately prior to being called to State Active Duty, the Service Member was employed; and
  - The Service Member received health care insurance coverage through his or her employer; and
  - The employer paid an insurance premium to maintain the Service Member's health care insurance coverage; and
  - As a result of the Service Member's State Active Duty status during the declared state of emergency, the employer is no longer paying an insurance premium to maintain the Service Member's health care insurance coverage.

Any payment made by the Department for health care insurance premiums pursuant to this Directive shall cover only the employer portion of the health care insurance premiums from day 15 of the State Active Duty until the date the Service Member is discharged from State Active Duty. Such payments by the Department may cover insurance premiums where the same health insurance plan covers both the Service Member and his or her family.

The Department may use the sum sufficient identified in the relevant state of emergency declaration for any payment authorized by this Directive.

The Department shall establish policies, procedures, and protocols to implement and record any payment authorized by this Directive. On or before November 1, 2021, and annually thereafter, the Department shall report to the Secretary of Veterans and Defense Affairs all payments made pursuant to this Directive.


Nothing in this Directive shall create a legal cause of action against the Commonwealth of Virginia or the Department for health insurance premiums or for payment of health care costs.

**Effective Date of this Executive Directive**

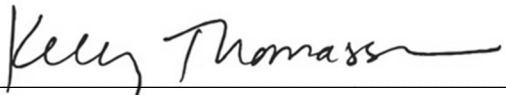
This Executive Directive is effective immediately and shall remain in full force and effect until June 30, 2022.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of April, 2021.



  
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Ralph S. Northam, Governor

Attest:

  
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Kelly Thomasson, Secretary of the Commonwealth