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HOUSE BILL NO. 406

Offered January 14, 2026

A *BILL* to amend and reenact § 65.2-712 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 65.2 a section numbered 65.2-532, relating to workers' compensation; disability of law-enforcement officer; spousal wage replacement; report.

 Patron—Reid

 Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-712 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 65.2 a section numbered 65.2-532 as follows:

§ 65.2-532. Spousal wage replacement for disability of law-enforcement officer; annual report.

A. As used in this section:

"Activities of daily living" has the same meaning as provided in § 63.2-2200.

"Average weekly wage" has the same meaning as provided in § 65.2-101.

"Health care provider" means any physician, hospital, or other person that is licensed or otherwise authorized in the Commonwealth to furnish health care services.

"In-home spousal care" means medically necessary uncompensated assistance with the activities of daily living provided to a law-enforcement officer by such law-enforcement officer's spouse.

"Law-enforcement officer" has the same meaning as provided in § 9.1-101.

"Line of duty" has the same meaning as provided in § 9.1-400.

"Line of duty injury" means an injury suffered by a law-enforcement officer in the line of duty that is compensable under the Line of Duty Act (§ 9.1-400 et seq.).

B. The employer of a law-enforcement officer who sustains a line of duty injury compensable under this title shall pay or cause to be paid to the spouse of such law-enforcement officer, as hereinafter provided, 66 percent of such spouse's average weekly wage during the previous three years, up to 80 percent of the average weekly wage of the Commonwealth, provided that the following requirements are met:

1. A treating health care provider certifies that the law-enforcement officer requires assistance with two or more activities of daily living for more than seven consecutive days and recommends in-home spousal care; and

2. Such spouse reduces their work hours or takes unpaid leave to provide in-home spousal care and is not simultaneously compensated for providing medical care pursuant to § 65.2-603. The employer of the law-enforcement officer may require documentation of such spouse's income prior to providing in-home spousal care.

C. Compensation pursuant to this section shall be paid for up to 12 weeks, with a maximum of two seven-week extensions available upon Commission recertification, and shall be reduced by the amount of any wages or paid leave received by the spouse. A spouse receiving such compensation is required pursuant to § 65.2-712 to immediately disclose any return to employment or increase in earnings. No compensation shall be allowed for the first seven calendar days of in-home spousal care, but if such care extends beyond that period, such compensation shall commence with the eighth day of such care. If, however, in-home spousal care continues for a period of more than three weeks, then compensation shall be allowed from the first day of such care.

D. Applications for compensation filed and payments made pursuant to this section shall be made in a form and manner determined by the Commission. The Commission shall provide an annual report on or before March 1 to the Governor and the General Assembly summarizing applications made pursuant to this section, the proportion of applications approved, average compensation amounts, and the fiscal impact of the provisions of this section.

§ 65.2-712. Reporting incarcerations, change in earnings, remarriage, change in student status; recovery of payments procured by fraud, misrepresentation, or unreported change in condition.

So long as an employee ~~or~~, statutory dependent pursuant to § 65.2-515, or spouse compensated pursuant to § 65.2-532 receives payment of compensation under this title, any such person shall have a duty immediately to disclose to the employer, when the employer is self-insured, or insurer in all other cases, any incarceration, return to employment, increase in his earnings, remarriage or change in his status as a full-time student. Any payment to a claimant by an employer or insurer which is later determined by the Commission to have been procured by the employee ~~or~~, statutory dependent ~~under § 65.2-515~~, or spouse by fraud, misrepresentation, or failure to report any incarceration, return to employment, increase in earnings, remarriage, or change in his status as a full-time student may be recovered from the claimant ~~or~~, statutory

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59 dependent, *or spouse* by the employer or insurer either by way of credit against future compensation
60 payments due the claimant ~~or~~, statutory dependent, *or spouse* or by action at law against the claimant ~~or~~,
61 statutory dependent, *or spouse*. The Commission shall provide for notification to the statutory dependent *or*
62 *spouse* of his obligation under this section.

63 **2. That by January 1, 2027, the Workers' Compensation Commission shall establish an application**
64 **review process for claims for spousal wage replacement pursuant to § 65.2-532 of the Code of Virginia,**
65 **as created by this act.**

66 **3. That the provisions of the first enactment of this act shall become effective on January 1, 2027.**