

By: Patterson

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 615.003, Government Code, is amended to read as follows:

Sec. 615.003. APPLICABILITY. This chapter applies only to eligible survivors of the following individuals:

(1) an individual:

(A) elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2.12, Code of Criminal Procedure, or other law; or

(B) employed as a peace officer by a private institution of higher education, including a private junior college, that is located in this state under Section 51.212, Education Code;

(2) a paid probation officer appointed by the director of a community supervision and corrections department who has the duties set out in Section 76.002 and the qualifications set out in Section 76.005, or who was appointed in accordance with prior law;

(3) a parole officer employed by the Texas Department of Criminal Justice who has the duties set out in Section 508.001 and the qualifications set out in Section 508.113 or in prior law;

(4) a paid jailer;

1 (5) a member of an organized police reserve or
2 auxiliary unit who regularly assists peace officers in enforcing
3 criminal laws;

4 (6) a member of the class of employees of the
5 correctional institutions division formally designated as
6 custodial personnel under Section 615.006 by the Texas Board of
7 Criminal Justice or its predecessor in function;

8 (7) a jailer or guard of a county jail who is appointed
9 by the sheriff and who:

10 (A) performs a security, custodial, or
11 supervisory function over the admittance, confinement, or
12 discharge of prisoners; and

13 (B) is certified by the Texas Commission on Law
14 Enforcement;

15 (8) a juvenile correctional employee of the Texas
16 Juvenile Justice Department;

17 (9) an employee of the Health and Human Services
18 Commission [~~Department of Aging and Disability Services or~~
19 ~~Department of State Health Services~~] who:

20 (A) works at the commission's [~~department's~~]
21 maximum security unit; or

22 (B) performs on-site services for the Texas
23 Department of Criminal Justice;

24 (10) an individual who is employed by the state or a
25 political or legal subdivision and is subject to certification by
26 the Texas Commission on Fire Protection;

27 (11) an individual employed by the state or a

1 political or legal subdivision whose principal duties are aircraft
2 crash and rescue fire fighting;

3 (12) a member of an organized volunteer fire-fighting
4 unit that:

5 (A) renders fire-fighting services without
6 remuneration; and

7 (B) conducts a minimum of two drills each month,
8 each two hours long;

9 (13) an individual who:

10 (A) performs emergency medical services or
11 operates an ambulance;

12 (B) is employed by a political subdivision of the
13 state or is an emergency medical services volunteer as defined by
14 Section 773.003, Health and Safety Code; and

15 (C) is qualified as an emergency care attendant
16 or at a higher level of training under Section 773.046, 773.047,
17 773.048, 773.049, or 773.0495, Health and Safety Code;

18 (14) an individual who is employed or formally
19 designated as a chaplain for:

20 (A) an organized volunteer fire-fighting unit or
21 other fire department of this state or of a political subdivision of
22 this state;

23 (B) a law enforcement agency of this state or of a
24 political subdivision of this state; or

25 (C) the Texas Department of Criminal Justice;

26 (15) an individual who is employed by the state or a
27 political subdivision of the state and who is considered by the

1 governmental employer to be a trainee for a position otherwise
2 described by this section;

3 (16) an individual who is employed by the Department
4 of Public Safety and, as certified by the director, is:

5 (A) deployed into the field in direct support of
6 a law enforcement operation, including patrol, investigative,
7 search and rescue, crime scene, on-site communications, or special
8 operations; and

9 (B) given a special assignment in direct support
10 of operations relating to organized crime, criminal interdiction,
11 border security, counterterrorism, intelligence, traffic
12 enforcement, emergency management, regulatory services, or special
13 investigations; ~~or~~

14 (17) an individual who is employed by the Parks and
15 Wildlife Department and, as certified by the executive director of
16 the Parks and Wildlife Department, is:

17 (A) deployed into the field in direct support of
18 a law enforcement operation, including patrol, investigative,
19 search and rescue, crime scene, on-site communications, or special
20 operations; and

21 (B) given a special assignment in direct support
22 of operations relating to organized crime, criminal interdiction,
23 border security, counterterrorism, intelligence, traffic
24 enforcement, emergency management, regulatory services, or special
25 investigations; or

26 (18) a member of the Texas military forces who is on
27 state active duty, as those terms are defined by Section 437.001.

1 SECTION 2. Subchapter C, Chapter 401, Labor Code, is
2 amended by adding Section 401.027 to read as follows:

3 Sec. 401.027. APPLICABILITY TO CERTAIN MEMBERS OF TEXAS
4 MILITARY FORCES. (a) In this section, "Texas military forces" has
5 the meaning assigned by Section 437.001, Government Code.

6 (b) For purposes of this subtitle, the travel of a member of
7 the Texas military forces to or from the member's duty location is
8 considered to be in the course and scope of the member's employment.

9 SECTION 3. The heading to Section 504.019, Labor Code, is
10 amended to read as follows:

11 Sec. 504.019. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER
12 FOR CERTAIN FIRST RESPONDERS AND MEMBERS OF TEXAS MILITARY FORCES.

13 SECTION 4. Section 504.019(a), Labor Code, is amended by
14 adding Subdivision (3) to read as follows:

15 (3) "State active duty" and "Texas military forces"
16 have the meanings assigned by Section 437.001, Government Code.

17 SECTION 5. Sections 504.019(b) and (c), Labor Code, are
18 amended to read as follows:

19 (b) Post-traumatic stress disorder suffered by a first
20 responder or by a member of the Texas military forces on state
21 active duty is a compensable injury under this subtitle only if it
22 is based on a diagnosis that:

23 (1) the disorder is caused by one or more events
24 occurring in the course and scope of the first responder's
25 employment or the member's active duty; and

26 (2) the preponderance of the evidence indicates that
27 the event or events were a producing cause of the disorder.

1 (c) For purposes of this subtitle, the date of injury for
2 post-traumatic stress disorder suffered by a first responder or
3 member of the Texas military forces is the date on which the first
4 responder or member first knew or should have known that the
5 disorder may be related to the first responder's employment as a
6 first responder or the member's active duty.

7 SECTION 6. Section 504.055, Labor Code, is amended to read
8 as follows:

9 Sec. 504.055. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR
10 CERTAIN INJURIES SUSTAINED BY FIRST RESPONDERS AND CERTAIN MEMBERS
11 OF TEXAS MILITARY FORCES [~~RESPONDER~~] IN COURSE AND SCOPE OF
12 EMPLOYMENT. (a) In this section:

13 (1) "First [~~,"first~~] responder" means:

14 (A) [~~(1)~~] an individual employed by a political
15 subdivision of this state who is:

16 (i) [~~(A)~~] a peace officer under Article
17 2.12, Code of Criminal Procedure;

18 (ii) [~~(B)~~] a person licensed under Chapter
19 773, Health and Safety Code, as an emergency care attendant,
20 emergency medical technician, emergency medical
21 technician-intermediate, emergency medical technician-paramedic,
22 or licensed paramedic; or

23 (iii) [~~(C)~~] a firefighter subject to
24 certification by the Texas Commission on Fire Protection under
25 Chapter 419, Government Code, whose principal duties are
26 firefighting and aircraft crash and rescue; or

27 (B) [~~(2)~~] an individual covered under Section

1 504.012(a) who is providing volunteer services to a political
2 subdivision of this state as:

3 (i) (i) [~~(A)~~] a volunteer firefighter, without
4 regard to whether the volunteer firefighter is certified under
5 Subchapter D, Chapter 419, Government Code; or

6 (ii) (ii) [~~(B)~~] an emergency medical services
7 volunteer, as defined by Section 773.003, Health and Safety Code.

8 (2) "State active duty" and "Texas military forces"
9 have the meanings assigned by Section 437.001, Government Code.

10 (b) This section applies only to a first responder, or a
11 member of the Texas military forces on state active duty, who
12 sustains a serious bodily injury, as defined by Section 1.07, Penal
13 Code, in the course and scope of employment. For purposes of this
14 section, an injury sustained by a first responder in the course and
15 scope of employment includes an injury sustained by the [~~a~~] first
16 responder providing services on a volunteer basis.

17 (c) The political subdivision, division, and insurance
18 carrier shall accelerate and give priority to a [~~an injured first~~
19 ~~responder's~~] claim for medical benefits by a first responder or by a
20 member of the Texas military forces to which this section applies,
21 including all health care required to cure or relieve the effects
22 naturally resulting from a compensable injury described by
23 Subsection (b).

24 (d) The division shall accelerate, under rules adopted by
25 the commissioner of workers' compensation, a contested case hearing
26 requested by or an appeal submitted by a first responder or by a
27 member of the Texas military forces to which this section applies

1 regarding the denial of a claim for medical benefits, including all
2 health care required to cure or relieve the effects naturally
3 resulting from a compensable injury described by Subsection (b).
4 The first responder or member shall provide notice to the division
5 and independent review organization that the contested case or
6 appeal involves a first responder or member of the Texas military
7 forces, as applicable.

8 (e) Except as otherwise provided by this section, a first
9 responder or a member of the Texas military forces to which this
10 section applies is entitled to review of a medical dispute in the
11 manner provided by Section 504.054.

12 SECTION 7. Section 504.056, Labor Code, is amended to read
13 as follows:

14 Sec. 504.056. INTENT OF EXPEDITED PROVISION OF MEDICAL
15 BENEFITS FOR CERTAIN INJURIES SUSTAINED BY FIRST RESPONDERS AND
16 CERTAIN MEMBERS OF TEXAS MILITARY FORCES [~~RESPONDER~~] IN COURSE AND
17 SCOPE OF EMPLOYMENT. The purpose of Section 504.055 is to ensure
18 that a [an injured first responder's] claim for medical benefits by
19 an injured first responder or by an injured member of the Texas
20 military forces to which that section applies is accelerated by a
21 political subdivision, insurance carrier, and the division to the
22 full extent authorized by current law.

23 SECTION 8. (a) The changes in law made by this Act relating
24 to a claim for workers' compensation benefits by a member of the
25 Texas military forces apply only to a claim for workers'
26 compensation benefits based on a compensable injury that occurs on
27 or after the effective date of this Act. A claim based on a

1 compensable injury that occurs before that date is governed by the
2 law in effect on the date that the compensable injury occurred, and
3 the former law is continued in effect for that purpose.

4 (b) The change in law made by this Act to Section 615.003,
5 Government Code, relating to the death of a member of the Texas
6 military forces applies only to a death that occurs on or after the
7 effective date of this Act. The death of a member of the Texas
8 military forces that occurs before the effective date of this Act is
9 governed by the law in effect on the date the death occurred, and
10 the former law is continued in effect for that purpose.

11 SECTION 9. This Act takes effect September 1, 2023.