

By: Thompson of Harris, et al.

H.B. No. 4147

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain first responders for workers' compensation benefits for post-traumatic stress disorder.

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

SECTION 1. Subchapter B, Chapter 501, Labor Code, is amended by adding Section 501.027 to read as follows:

Sec. 501.027. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR FIRST RESPONDERS. (a) In this section:

(1) "First responder" means:

(A) an employee described by Section 501.001(5)(C), (D), (E), or (F); or

(B) an employee who is:

(i) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(ii) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue.

(2) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth

1 edition, or a later edition adopted by the commissioner of workers'  
2 compensation.

3 (b) Post-traumatic stress disorder suffered by a first  
4 responder is a compensable injury under this subtitle only if it is  
5 based on a diagnosis that:

6 (1) the disorder is caused by one or more events  
7 occurring in the course and scope of the first responder's  
8 employment; and

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

11 (c) For purposes of this subtitle, the date of injury for  
12 post-traumatic stress disorder suffered by a first responder is the  
13 date on which the first responder first knew or should have known  
14 that the disorder may be related to the first responder's  
15 employment.

16 SECTION 2. Subchapter B, Chapter 502, Labor Code, is  
17 amended by adding Section 502.026 to read as follows:

18 Sec. 502.026. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER  
19 FOR FIRST RESPONDERS. (a) In this section:

20 (1) "First responder" means an employee who is:

21 (A) a peace officer under Article 2.12, Code of  
22 Criminal Procedure;

23 (B) a person licensed under Chapter 773, Health  
24 and Safety Code, as an emergency care attendant, emergency medical  
25 technician, emergency medical technician-intermediate, emergency  
26 medical technician-paramedic, or licensed paramedic; or

27 (C) a firefighter subject to certification by the

1 Texas Commission on Fire Protection under Chapter 419, Government  
2 Code, whose principal duties are firefighting and aircraft crash  
3 and rescue.

4 (2) "Post-traumatic stress disorder" means a disorder  
5 that meets the diagnostic criteria for post-traumatic stress  
6 disorder specified by the American Psychiatric Association in the  
7 Diagnostic and Statistical Manual of Mental Disorders, fifth  
8 edition, or a later edition adopted by the commissioner of workers'  
9 compensation.

10 (b) Post-traumatic stress disorder suffered by a first  
11 responder is a compensable injury under this subtitle only if it is  
12 based on a diagnosis that:

13 (1) the disorder is caused by one or more events  
14 occurring in the course and scope of the first responder's  
15 employment; and

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

18 (c) For purposes of this subtitle, the date of injury for  
19 post-traumatic stress disorder suffered by a first responder is the  
20 date on which the first responder first knew or should have known  
21 that the disorder may be related to the first responder's  
22 employment.

23 SECTION 3. Subchapter B, Chapter 503, Labor Code, is  
24 amended by adding Section 503.026 to read as follows:

25 Sec. 503.026. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER  
26 FOR FIRST RESPONDERS. (a) In this section:

27 (1) "First responder" means an employee who is:

1           (A) a peace officer under Article 2.12, Code of  
2 Criminal Procedure;

3           (B) a person licensed under Chapter 773, Health  
4 and Safety Code, as an emergency care attendant, emergency medical  
5 technician, emergency medical technician-intermediate, emergency  
6 medical technician-paramedic, or licensed paramedic; or

7           (C) a firefighter subject to certification by the  
8 Texas Commission on Fire Protection under Chapter 419, Government  
9 Code, whose principal duties are firefighting and aircraft crash  
10 and rescue.

11           (2) "Post-traumatic stress disorder" means a disorder  
12 that meets the diagnostic criteria for post-traumatic stress  
13 disorder specified by the American Psychiatric Association in the  
14 Diagnostic and Statistical Manual of Mental Disorders, fifth  
15 edition, or a later edition adopted by the commissioner of workers'  
16 compensation.

17           (b) Post-traumatic stress disorder suffered by a first  
18 responder is a compensable injury under this subtitle only if it is  
19 based on a diagnosis that:

20           (1) the disorder is caused by one or more events  
21 occurring in the course and scope of the first responder's  
22 employment; and

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

25           (c) For purposes of this subtitle, the date of injury for  
26 post-traumatic stress disorder suffered by a first responder is the  
27 date on which the first responder first knew or should have known

1 that the disorder may be related to the first responder's  
2 employment.

3 SECTION 4. Subchapter B, Chapter 505, Labor Code, is  
4 amended by adding Section 505.014 to read as follows:

5 Sec. 505.014. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER  
6 FOR FIRST RESPONDERS. (a) In this section:

7 (1) "First responder" means an employee who is:

8 (A) a peace officer under Article 2.12, Code of  
9 Criminal Procedure;

10 (B) a person licensed under Chapter 773, Health  
11 and Safety Code, as an emergency care attendant, emergency medical  
12 technician, emergency medical technician-intermediate, emergency  
13 medical technician-paramedic, or licensed paramedic; or

14 (C) a firefighter subject to certification by the  
15 Texas Commission on Fire Protection under Chapter 419, Government  
16 Code, whose principal duties are firefighting and aircraft crash  
17 and rescue.

18 (2) "Post-traumatic stress disorder" means a disorder  
19 that meets the diagnostic criteria for post-traumatic stress  
20 disorder specified by the American Psychiatric Association in the  
21 Diagnostic and Statistical Manual of Mental Disorders, fifth  
22 edition, or a later edition adopted by the commissioner of workers'  
23 compensation.

24 (b) Post-traumatic stress disorder suffered by a first  
25 responder is a compensable injury under this subtitle only if it is  
26 based on a diagnosis that:

27 (1) the disorder is caused by one or more events

1 occurring in the course and scope of the first responder's  
2 employment; and

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

5 (c) For purposes of this subtitle, the date of injury for  
6 post-traumatic stress disorder suffered by a first responder is the  
7 date on which the first responder first knew or should have known  
8 that the disorder may be related to the first responder's  
9 employment.

10 SECTION 5. Section 408.006(b), Labor Code, is amended to  
11 read as follows:

12 (b) Notwithstanding Sections 501.027, 502.026, 503.026,  
13 [Section] 504.019, and 505.014, a mental or emotional injury that  
14 arises principally from a legitimate personnel action, including a  
15 transfer, promotion, demotion, or termination, is not a compensable  
16 injury under this subtitle.

17 SECTION 6. The changes in law made by this Act apply only to  
18 a claim for workers' compensation benefits based on a compensable  
19 injury that occurs on or after the effective date of this Act. A  
20 claim based on a compensable injury that occurs before that date is  
21 governed by the law as it existed on the date the compensable injury  
22 occurred, and the former law is continued in effect for that  
23 purpose.

24 SECTION 7. This Act takes effect September 1, 2023.