

By: Naishtat

H.B. No. 4560

A BILL TO BE ENTITLED

AN ACT

relating to certain diseases or illnesses suffered by certain emergency first responders.

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

SECTION 1. Chapter 607, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. OTHER DISEASES OR ILLNESSES SUFFERED BY FIREFIGHTERS  
AND EMERGENCY MEDICAL TECHNICIANS

Sec. 607.101. DEFINITIONS. In this subchapter:

(1) "Disability" means partial or total disability.

(2) "Emergency medical technician" means an individual who is certified as an emergency medical technician by the Department of State Health Services as provided by Chapter 773, Health and Safety Code, and who is a full-time employee of a political subdivision.

(3) "Firefighter" means an individual who is defined as fire protection personnel under Section 419.021 and is a full-time employee of a political subdivision.

Sec. 607.102. NOTIFICATION. A firefighter or emergency medical technician who is exposed to methicillin-resistant staphylococcus aureus is entitled to receive notification of the exposure in the manner prescribed by Section 81.048, Health and Safety Code.

Sec. 607.103. PRESUMPTION. A firefighter or emergency

1 medical technician who contracts methicillin-resistant  
2 staphylococcus aureus resulting in illness or death is presumed to  
3 have suffered the illness or death during the course and scope of  
4 employment if the firefighter or emergency medical technician while  
5 on duty:

6 (1) was exposed to a person diagnosed with  
7 methicillin-resistant staphylococcus aureus who received medical  
8 treatment from the firefighter or emergency medical technician; or

9 (2) participated in a training exercise involving the  
10 use of equipment contaminated or suspected to be contaminated with  
11 methicillin-resistant staphylococcus aureus.

12 Sec. 607.104. EFFECT OF PRESUMPTION. A presumption  
13 established under this subchapter applies to a determination of  
14 whether a firefighter's or emergency medical technician's  
15 disability or death resulted from a disease or illness contracted  
16 in the course and scope of employment for purposes of benefits or  
17 compensation provided under another employee benefit law or plan,  
18 including a pension plan.

19 Sec. 607.105. PRESUMPTION REBUTTABLE. A presumption under  
20 this subchapter may be rebutted through a showing by a  
21 preponderance of the evidence that a risk factor, accident, hazard,  
22 or other cause not associated with the individual's service as a  
23 firefighter or emergency medical technician caused the  
24 individual's disease or illness.

25 Sec. 607.106. PROHIBITED PAYMENT. No payment shall be made  
26 to the subsequent injury fund under Section 403.007, Labor Code,  
27 for any death resulting from a disease or illness presumed to have

1 been contracted in the course and scope of employment under this  
2 subchapter.

3         SECTION 2. The changes in law made by this Act apply to a  
4 claim for benefits or compensation brought on or after the  
5 effective date of this Act. A claim for benefits or compensation  
6 brought before that date is covered by the law in effect on the date  
7 the claim was made, and that law is continued in effect for that  
8 purpose.

9         SECTION 3. This Act takes effect September 1, 2009.