

BILL ANALYSIS

H.B. 2075
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Firefighters and emergency medical technicians (EMTs) are occasionally exposed to diseases and illnesses while performing their job duties. Often, the disease or illness may not manifest symptoms until many years later. To address this issue, laws have been created for the benefit of firefighters and EMTs when filing a claim relating to certain diseases and illnesses. The diseases and illnesses are presumed rebuttable, meaning that the presumption may be rebutted through a showing by a preponderance of the evidence that the cause of the disease or illness was not associated with the individual's on-duty service.

Under current law, acute myocardial infarction or stroke are presumed to have been suffered during the course or scope of employment if the firefighter or EMT while on duty was engaged in certain nonroutine stressful or strenuous physical activity involving certain emergency response activities. However, there is concern that an acute myocardial infarction or stroke occurring while the firefighter or EMT was doing clerical, administrative, or nonemergency activities is not covered under the law. Therefore, if a firefighter or EMT is completing a report on a fire or accident after spending several hours at the scene, an acute myocardial infarction or stroke is not considered to have been suffered during the course or scope of employment for purposes of that law.

H.B. 2075 seeks to address this and other presumptions relating to contagious diseases to which these emergency response personnel may be exposed in the course and scope of their employment.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2075 amends the Government Code to remove from the conditions under which a firefighter or emergency medical technician is presumed to have suffered an acute myocardial infarction or stroke resulting in disability or death during the course and scope of employment as a firefighter or emergency medical technician the conditions that the firefighter or emergency medical technician was engaged in a situation that involved nonroutine stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity or participated in a training exercise that involved nonroutine stressful or strenuous physical activity and clarifies that such a presumption exists if the acute myocardial infarction or stroke occurred while the firefighter or emergency medical technician was on duty. The bill makes a conforming change by removing the definition of "nonroutine stressful or strenuous physical activity."

H.B. 2075 establishes that a firefighter or emergency medical technician who suffers from AIDS, HIV, hepatitis B, or hepatitis C is presumed to have contracted the disease or illness during the

course and scope of employment as a firefighter or emergency medical technician if while on duty the firefighter or emergency medical technician regularly responded on the scene to calls involving exposure to blood or other bodily fluids potentially containing blood-borne or fluid-borne pathogens, either directly or in connection with the use of or exposure to sharps, or responded to an event involving the documented release of blood or other bodily fluids known to contain HIV, hepatitis B, or hepatitis C. The bill establishes that a firefighter or emergency medical technician who suffers from methicillin-resistant *Staphylococcus aureus* is presumed to have become infected with the bacterium during the course and scope of employment as a firefighter or emergency medical technician if while on duty the firefighter or emergency medical technician responded to an event involving documented exposure to methicillin-resistant *Staphylococcus aureus*.

H.B. 2075 includes a presumption that a firefighter or emergency medical technician contracted AIDS, HIV, hepatitis B, or hepatitis C or became infected with methicillin-resistant *Staphylococcus aureus* during the course and scope of employment as a firefighter or emergency medical technician among the presumptions that may be rebutted through a showing by a preponderance of the evidence that a risk factor, accident, hazard, or other cause not associated with the individual's service as a firefighter or emergency medical technician caused the individual's disease or illness.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.