

By: Deshotel

H.B. No. 1961

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to provision of workers' compensation medical benefits to  
3 a peace officer or firefighter injured in the line of duty;  
4 providing an administrative violation.

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

6 SECTION 1. Subchapter C, Chapter 504, Labor Code, is  
7 amended by adding Section 504.054 to read as follows:

8 Sec. 504.054. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR  
9 LINE-OF-DUTY INJURIES. (a) In this section, "peace officer" means  
10 a person who is a peace officer under Article 2.12, Code of Criminal  
11 Procedure.

12 (b) This section applies only to a peace officer or  
13 firefighter injured in the line of duty.

14 (c) A political subdivision that is the employer of a peace  
15 officer or firefighter who incurs a compensable injury sustained in  
16 the line of duty shall ensure that the medical benefits provided to  
17 the injured employee include all health care required to cure or  
18 relieve the effects naturally resulting from the compensable  
19 injury, including payment of reasonable expenses incurred by the  
20 employee for necessary treatment, promotion of recovery,  
21 and enhancement of the ability of the employee to return to or  
22 retain employment.

23 (d) Medical benefits provided under this section must  
24 include, if necessary or appropriate to the nature of the

1 compensable injury:

2 (1) a medical or surgical appliance, brace, artificial  
3 member, including an artificial eye, or prosthetic or orthotic  
4 device; and

5 (2) any necessary fitting of, change or repair to, or  
6 training in the use of the appliance, brace, member, or device.

7 (e) Notwithstanding any other provision of this title, the  
8 employing political subdivision shall ensure that medical benefits  
9 subject to this section are initiated not later than the 10th day  
10 after the date on which the notice of injury required under Section  
11 409.001 is submitted to the political subdivision.

12 (f) If the political subdivision provides workers'  
13 compensation benefits through a workers' compensation insurance  
14 policy, the insurance carrier shall comply with the time period  
15 required under Subsection (e). A violation of this subsection by an  
16 insurance carrier constitutes an administrative violation under  
17 Section 415.002.

18 SECTION 2. (a) Except as provided by Subsection (b) of this  
19 section, the change in law made by this Act applies only to a claim  
20 for workers' compensation benefits based on a compensable injury  
21 that occurs on or after the effective date of this Act. A claim  
22 based on a compensable injury that occurs before that date is  
23 governed by the law in effect on the date the compensable injury  
24 occurred, and the former law is continued in effect for that  
25 purpose.

26 (b) Sections 504.054(c) and (d), Labor Code, as added by  
27 this Act, are for purposes of clarification and do not change the

1 law or create any new entitlement to benefits.

2 SECTION 3. This Act takes effect September 1, 2011.