

By: Bohac

H.B. No. 1388

A BILL TO BE ENTITLED

AN ACT

relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

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

SECTION 1. Section 607.058, Government Code, is amended to read as follows:

Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption under Section 607.053, 607.054, 607.055, or 607.056 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.

(b) A rebuttal offered under this section must include a statement by the person offering the rebuttal that describes, in detail, the evidence that the person reviewed before making the determination that a cause not associated with the individual's service as a firefighter or emergency medical technician caused the individual's disease or illness.

SECTION 2. Section 409.022, Labor Code, is amended by adding Subsection (d) to read as follows:

(d) In this subsection, the terms "emergency medical technician" and "firefighter" have the meanings assigned by Section 607.051, Government Code. In addition to the other requirements of this section, if an insurance carrier's notice of refusal to pay

1 benefits under Section 409.021 is sent in response to a claim for
2 compensation resulting from an emergency medical technician's or a
3 firefighter's disability or death for which a presumption is
4 claimed to be applicable under Subchapter B, Chapter 607,
5 Government Code, the notice must include a statement by the carrier
6 that:

7 (1) explains why the carrier determined a presumption
8 under that subchapter does not apply to the claim for compensation;
9 and

10 (2) describes the evidence that the carrier reviewed
11 in making the determination described by Subdivision (1).

12 SECTION 3. The changes in law made by this Act apply to a
13 claim for benefits or compensation brought on or after the
14 effective date of this Act. A claim for benefits or compensation
15 brought before that date is covered by the law in effect on the date
16 the claim was made, and that law is continued in effect for that
17 purpose.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2015.