

By: Bohac

H.B. No. 1388

Substitute the following for H.B. No. 1388:

By: Phillips

C.S.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 607.056, Government Code, is amended to read as follows:

Sec. 607.056. ACUTE MYOCARDIAL INFARCTION OR STROKE. [~~a~~]

A firefighter or emergency medical technician who suffers an acute myocardial infarction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a firefighter or emergency medical technician if [~~+~~

~~(1) while on duty, the firefighter or emergency medical technician:~~

~~[(A) 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~~

~~[(B) participated in a training exercise that involved nonroutine stressful or strenuous physical activity; and~~

~~(2)]~~ the acute myocardial infarction or stroke occurred while the firefighter or emergency medical technician was on duty [~~engaging in the activity described under Subdivision (1)~~].

~~[(b) For purposes of this section, "nonroutine stressful or~~

1 ~~strenuous physical activity" does not include clerical,~~  
2 ~~administrative, or nonmanual activities.]~~

3 SECTION 2. Section [607.058](#), Government Code, is amended to  
4 read as follows:

5 Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption  
6 under Section [607.053](#), [607.054](#), [607.055](#), or [607.056](#) may be rebutted  
7 through a showing by a preponderance of the evidence that a risk  
8 factor, accident, hazard, or other cause not associated with the  
9 individual's service as a firefighter or emergency medical  
10 technician caused the individual's disease or illness.

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

17 SECTION 3. Section [409.022](#), Labor Code, is amended by  
18 adding Subsection (d) to read as follows:

19 (d) In this subsection, the terms "emergency medical  
20 technician" and "firefighter" have the meanings assigned by Section  
21 [607.051](#), Government Code. In addition to the other requirements of  
22 this section, if an insurance carrier's notice of refusal to pay  
23 benefits under Section [409.021](#) is sent in response to a claim for  
24 compensation resulting from an emergency medical technician's or a  
25 firefighter's disability or death for which a presumption is  
26 established under Subchapter B, Chapter 607, Government Code, the  
27 notice must describe, in detail, the evidence the carrier reviewed

1 before making the determination not to pay benefits.

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

8           SECTION 5. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2015.