

1-1 By: Bohac (Senate Sponsor - Creighton) H.B. No. 1388
 1-2 (In the Senate - Received from the House April 29, 2015;
 1-3 April 30, 2015, read first time and referred to Committee on State
 1-4 Affairs; May 8, 2015, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 8, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to certain diseases or illnesses suffered by firefighters
 1-20 and emergency medical technicians.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 607.058, Government Code, is amended to
 1-23 read as follows:

1-24 Sec. 607.058. PRESUMPTION REBUTTABLE. (a) A presumption
 1-25 under Section 607.053, 607.054, 607.055, or 607.056 may be rebutted
 1-26 through a showing by a preponderance of the evidence that a risk
 1-27 factor, accident, hazard, or other cause not associated with the
 1-28 individual's service as a firefighter or emergency medical
 1-29 technician caused the individual's disease or illness.

1-30 (b) A rebuttal offered under this section must include a
 1-31 statement by the person offering the rebuttal that describes, in
 1-32 detail, the evidence that the person reviewed before making the
 1-33 determination that a cause not associated with the individual's
 1-34 service as a firefighter or emergency medical technician caused the
 1-35 individual's disease or illness.

1-36 SECTION 2. Section 409.022, Labor Code, is amended by
 1-37 adding Subsection (d) to read as follows:

1-38 (d) In this subsection, the terms "emergency medical
 1-39 technician" and "firefighter" have the meanings assigned by Section
 1-40 607.051, Government Code. In addition to the other requirements of
 1-41 this section, if an insurance carrier's notice of refusal to pay
 1-42 benefits under Section 409.021 is sent in response to a claim for
 1-43 compensation resulting from an emergency medical technician's or a
 1-44 firefighter's disability or death for which a presumption is
 1-45 claimed to be applicable under Subchapter B, Chapter 607,
 1-46 Government Code, the notice must include a statement by the carrier
 1-47 that:

1-48 (1) explains why the carrier determined a presumption
 1-49 under that subchapter does not apply to the claim for compensation;
 1-50 and

1-51 (2) describes the evidence that the carrier reviewed
 1-52 in making the determination described by Subdivision (1).

1-53 SECTION 3. The changes in law made by this Act apply to a
 1-54 claim for benefits or compensation brought on or after the
 1-55 effective date of this Act. A claim for benefits or compensation
 1-56 brought before that date is covered by the law in effect on the date
 1-57 the claim was made, and that law is continued in effect for that
 1-58 purpose.

1-59 SECTION 4. This Act takes effect immediately if it receives
 1-60 a vote of two-thirds of all the members elected to each house, as
 1-61 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2015.

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