

BILL ANALYSIS

C.S.H.B. 1983
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that certain first responders who are diagnosed with post-traumatic stress disorder should be eligible for workers' compensation benefits. C.S.H.B. 1983 seeks to treat post-traumatic disorder like the many physical wounds that are classified as compensable injuries by providing such benefits to these first responders if the disorder is caused by an event occurring within the scope of their employment and if such an event was a substantial contributing factor of the disorder.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1983 amends the Labor Code to classify post-traumatic stress disorder suffered by a first responder, defined by the bill as an individual employed by a political subdivision of the state as a peace officer, certain licensed emergency medical services personnel, or a firefighter who is subject to certification and whose principal duties are firefighting and aircraft crash and rescue, as a compensable injury under statutory provisions governing workers' compensation insurance coverage for certain government employees if it is based on a diagnosis that the disorder is caused by an event occurring in the course and scope of the first responder's employment and that the preponderance of the evidence indicates that the event was a substantial contributing factor of the disorder. The bill defines "post-traumatic stress disorder" as a disorder that meets the diagnostic criteria for post-traumatic stress disorder specified by a certain manual.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1983 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 504, Labor Code, is amended by adding Section 504.019 to read as follows:

Sec. 504.019. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR CERTAIN FIREFIGHTERS AND PEACE OFFICERS. (a) In this section:

(1) "Firefighter" means an individual employed by a political subdivision of this state who is a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue.

(2) "Peace officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law.

(3) "Post-traumatic stress disorder" means a disorder that:

(A) meets the diagnostic criteria for post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or a later edition adopted by the commissioner of workers' compensation; and

(B) results in an impairment of a person's functioning in the person's community, employment, family, school, or social group.

(b) Post-traumatic stress disorder suffered by a firefighter or peace officer is a compensable injury under this subtitle only if:

(1) the disorder is caused by events occurring in the course and scope of the firefighter's or peace officer's employment; and

(2) the preponderance of the evidence indicates that the firefighter's or peace

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 504, Labor Code, is amended by adding Section 504.019 to read as follows:

Sec. 504.019. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR CERTAIN FIRST RESPONDERS. (a) In this section:

(1) "First responder" means an individual employed by a political subdivision of this state who is:

(A) a peace officer under Article 2.12, Code of Criminal Procedure;

(B) a person licensed under Chapter 773, Health and Safety Code, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or

(C) a firefighter subject to certification by the Texas Commission on Fire Protection under Chapter 419, Government Code, whose principal duties are firefighting and aircraft crash and rescue.

(2) "Post-traumatic stress disorder" means a disorder that

meets the diagnostic criteria for post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or a later edition adopted by the commissioner of workers' compensation.

(b) Post-traumatic stress disorder suffered by a first responder is a compensable injury under this subtitle only if it is based on a diagnosis that:

(1) the disorder is caused by an event occurring in the course and scope of the first responder's employment; and

(2) the preponderance of the evidence

officer's work was a substantial contributing factor of the disorder.

No equivalent provision.

SECTION 2. The change in law made by this Act applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law as it existed on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

indicates that the event was a substantial contributing factor of the disorder.

SECTION 2. Section 408.006(b), Labor Code, is amended to read as follows:

(b) Notwithstanding Section 504.019, a [A] mental or emotional injury that arises principally from a legitimate personnel action, including a transfer, promotion, demotion, or termination, is not a compensable injury under this subtitle.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.