

By: Wray, Martinez, Phillips, Guerra, Geren,
et al.

H.B. No. 1983

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a first responder for workers' compensation benefits for post-traumatic stress disorder.

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

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

1 edition, or a later edition adopted by the commissioner of workers'
2 compensation.

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

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

8 (2) the preponderance of the evidence indicates that
9 the event was a substantial contributing factor of the disorder.

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

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

16 SECTION 3. The change in law made by this Act applies only
17 to a claim for workers' compensation benefits based on a
18 compensable injury that occurs on or after the effective date of
19 this Act. A claim based on a compensable injury that occurs before
20 that date is governed by the law as it existed on the date the
21 compensable injury occurred, and the former law is continued in
22 effect for that purpose.

23 SECTION 4. This Act takes effect September 1, 2017.