

By: Cole

H.B. No. 3492

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of a first responder for workers'
3 compensation benefits for mental trauma injuries, including
4 post-traumatic stress disorder.

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

6 SECTION 1. Section 504.019(b), Labor Code, is amended to
7 read as follows:

8 (b) It is presumed that post-traumatic [~~Post-traumatic~~]
9 stress disorder suffered by a first responder is a compensable
10 injury under this subtitle unless it is shown by a preponderance of
11 the evidence [~~only if it is based on a diagnosis~~] that:

12 (1) the disorder is caused by an event occurring
13 outside [~~in~~] the course and scope of the first responder's
14 employment; or [~~and~~]

15 (2) no [~~the preponderance of the evidence indicates~~
16 ~~that the~~] event that occurred in the course and scope of the first
17 responder's employment was a substantial contributing factor of the
18 disorder.

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

1 effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2019.