

By: Capriglione, Beckley, Patterson, Darby,
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H.B. No. 3676

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of an injured employee for lifetime
income benefits under the workers' compensation system.

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

SECTION 1. Section 408.161(a), Labor Code, is amended to
read as follows:

(a) Lifetime income benefits are paid until the death of the
employee for:

(1) total and permanent loss of sight in both eyes;

(2) loss of both feet at or above the ankle;

(3) loss of both hands at or above the wrist;

(4) loss of one foot at or above the ankle and the loss
of one hand at or above the wrist;

(5) an injury to the spine that results in permanent
and complete paralysis of both arms, both legs, or one arm and one
leg;

(6) a physically traumatic injury to the brain
resulting in permanent cognitive deficits that:

(A) render the employee permanently unemployable
without significant accommodations; or

(B) affect the non-vocational quality of the
employee's life so as to eliminate the employee's ability to engage
in a range of usual cognitive processes [~~incurable insanity or
imbecility~~]; [~~or~~]

1 (7) third degree burns that cover at least 40 percent
2 of the body and require grafting, or third degree burns covering the
3 majority of:

4 (A) [either] both hands;

5 (B) both feet;

6 (C) one hand and one foot; or

7 (D) one hand or foot and the face; or

8 (8) permanent and total disability as determined by
9 the Bureau of Justice Assistance of the United States Department of
10 Justice under the Public Safety Officers' Benefits Act of 1976 (34
11 U.S.C. Section 10281 et seq.) if the employee is:

12 (A) a first responder as defined by Section
13 421.095, Government Code; and

14 (B) employed by a political subdivision that
15 self-insures, either individually or collectively.

16 SECTION 2. The changes in law made by this Act apply to a
17 claim for lifetime income benefits based on a compensable injury
18 that occurs on or after the effective date of this Act. A claim
19 based on a compensable injury that occurs before the effective date
20 of this Act is governed by the law in effect on the date the
21 compensable injury occurred, and the former law is continued in
22 effect for that purpose.

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