

By: Turner of Tarrant

H.B. No. 3623

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain health care providers for workers' compensation benefits for post-traumatic stress disorder arising from events in the course of employment during a public health disaster.

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

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Section 408.0061 to read as follows:

Sec. 408.0061. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR CERTAIN HEALTH CARE PROVIDERS. (a) In this section:

(1) "Health care provider" has the meaning assigned by Section 105.001, Occupations Code.

(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.

(3) "Public health disaster" has the meaning assigned by Section 81.003, Health and Safety Code.

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

(1) the disorder is caused by one or more events

1 occurring in the course and scope of the health care provider's  
2 employment during a public health disaster; and

3 (2) the preponderance of the evidence indicates that  
4 the event or events were a producing cause of the disorder.

5 (c) For purposes of this subtitle, the date of injury for  
6 post-traumatic stress disorder suffered by a health care provider  
7 is the date on which the health care provider first knew or should  
8 have known that the disorder may be related to the health care  
9 provider's employment.

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

17 SECTION 3. This Act takes effect September 1, 2021.