

By: Patterson, Buckley, Cook, Raymond, Shine,
et al.

H.B. No. 90

Substitute the following for H.B. No. 90:

By: Wilson

C.S.H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.

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

SECTION 1. This Act may be cited as the Bishop Evans Act.

SECTION 2. Section 615.004(a), Government Code, is amended to read as follows:

(a) A finding that assistance is payable to an eligible survivor of an individual listed under Section 615.003 or 615.024 is not a declaration of the cause, nature, or effect of a death for any other purpose.

SECTION 3. Section 615.021(b), Government Code, is amended to read as follows:

(b) Payment of assistance may not occur under this subchapter unless an individual is eligible under Subsection (a) or Section 615.024.

SECTION 4. Subchapter B, Chapter 615, Government Code, is amended by adding Section 615.024 to read as follows:

Sec. 615.024. PAYMENT TO SURVIVORS OF MEMBERS OF TEXAS MILITARY FORCES. (a) In this section, "state active duty" and "Texas military forces" have the meanings assigned by Section 437.001.

(b) Notwithstanding Section 615.003 or 615.021, a survivor of an individual who is a member of the Texas military forces is

1 eligible for the payment of assistance under this chapter if:

2 (1) the individual died while on state active duty;

3 (2) the Texas Military Department certifies to the
4 Employees Retirement System of Texas that the circumstances of the
5 individual's death entitle an eligible survivor to the payment of
6 assistance under this chapter; and

7 (3) the survivor is:

8 (A) the surviving spouse of the individual;

9 (B) a surviving child of the individual, if there
10 is no surviving spouse; or

11 (C) the surviving parent of the individual, if
12 there is no surviving spouse or child.

13 (c) The Texas Military Department shall adopt rules
14 providing the circumstances under which the death of an individual
15 described by Subsection (b) entitles an eligible survivor to the
16 payment of assistance under this chapter.

17 SECTION 5. Sections 615.045(a), (c), and (d), Government
18 Code, are amended to read as follows:

19 (a) Records of individuals listed by Section 615.003 or
20 described by Section 615.024 and of survivors eligible for benefits
21 under this chapter that are in the custody of the Employees
22 Retirement System of Texas, an administering firm as defined by
23 Section 1551.003, Insurance Code, a carrier as defined by Section
24 1551.007, Insurance Code, or another governmental agency acting
25 with or on behalf of the retirement system are confidential and not
26 subject to public disclosure, and the retirement system,
27 administering firm, carrier, or governmental agency is not required

1 to accept or comply with a request for a record or information about
2 a record or to seek an opinion from the attorney general, because
3 the records are exempt from the provisions of Chapter 552, except as
4 otherwise provided by this section.

5 (c) The records of individuals listed by Section 615.003 or
6 described by Section 615.024 and of eligible survivors remain
7 confidential after release to a person as authorized by this
8 section. The records of individuals listed by Section 615.003 or
9 described by Section 615.024 and of eligible survivors may become
10 part of the public record of an administrative or judicial
11 proceeding related to an appeal filed under this chapter, unless
12 the records are closed to public access by a protective order issued
13 under applicable law.

14 (d) The retirement system has sole discretion in
15 determining whether a record is subject to this section. For
16 purposes of this section, a record includes any identifying
17 information about any person, living or deceased, who is or was:

18 (1) an individual listed in Section 615.003 or
19 described by Section 615.024; or

20 (2) a survivor, heir, or beneficiary of an individual
21 listed in Section 615.003 or described by Section 615.024.

22 SECTION 6. Subchapter C, Chapter 401, Labor Code, is
23 amended by adding Section 401.027 to read as follows:

24 Sec. 401.027. APPLICABILITY TO CERTAIN MEMBERS OF TEXAS
25 MILITARY FORCES. (a) In this section, "state active duty" and
26 "Texas military forces" have the meanings assigned by Section
27 437.001, Government Code.

1 (b) For purposes of this subtitle, the travel of a member of
2 the Texas military forces to or from the member's duty location is
3 considered to be in the course and scope of the member's employment.

4 SECTION 7. Section 501.001, Labor Code, is amended by
5 adding Subdivisions (5-a) and (6-a) to read as follows:

6 (5-a) "Post-traumatic stress disorder" has the
7 meaning assigned by Section 504.019.

8 (6-a) "State active duty" and "Texas military forces"
9 have the meanings assigned by Section 437.001, Government Code.

10 SECTION 8. Subchapter B, Chapter 501, Labor Code, is
11 amended by adding Sections 501.027, 501.028, and 501.029 to read as
12 follows:

13 Sec. 501.027. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER
14 FOR MEMBERS OF TEXAS MILITARY FORCES. (a) Post-traumatic stress
15 disorder suffered by a member of the Texas military forces on state
16 active duty is a compensable injury under this subtitle only if it
17 is based on a diagnosis that:

18 (1) the disorder is caused by one or more events
19 occurring in the course and scope of the member's state active duty;
20 and

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

23 (b) For purposes of this subtitle, the date of injury for
24 post-traumatic stress disorder suffered by a member of the Texas
25 military forces is the date on which the member knew or should have
26 known that the disorder may be related to the member's state active
27 duty.

1 Sec. 501.028. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR
2 CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS MILITARY
3 FORCES ON STATE ACTIVE DUTY. (a) This section applies only to a
4 member of the Texas military forces who sustains a serious bodily
5 injury, as defined by Section 1.07, Penal Code, on state active
6 duty.

7 (b) An insurance carrier shall accelerate and give priority
8 to a claim for medical benefits by a member of the Texas military
9 forces to which this section applies, including all health care
10 required to cure or relieve the effects naturally resulting from a
11 compensable injury described by Subsection (a).

12 (c) The division shall accelerate, under rules adopted by
13 the commissioner of workers' compensation, a contested case hearing
14 requested by or an appeal submitted by a member of the Texas
15 military forces to which this section applies regarding the denial
16 of a claim for medical benefits, including all health care required
17 to cure or relieve the effects naturally resulting from a
18 compensable injury described by Subsection (a). The member shall
19 provide notice to the division and independent review organization
20 that the contested case or appeal involves a member of the Texas
21 military forces.

22 Sec. 501.029. INTENT OF EXPEDITED PROVISION OF MEDICAL
23 BENEFITS FOR CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS
24 MILITARY FORCES. The purpose of Section 501.028 is to ensure that a
25 claim for medical benefits by an injured member of the Texas
26 military forces to which this section applies is accelerated by an
27 insurance carrier to the full extent authorized by current law.

1 SECTION 9. (a) The changes in law made by this Act to
2 Chapter 615, Government Code, relating to the death of a member of
3 the Texas military forces applies only to a death that occurs on or
4 after the effective date of this Act. The death of a member of the
5 Texas military forces that occurs before the effective date of this
6 Act is governed by the law in effect on the date the death occurred,
7 and the former law is continued in effect for that purpose.

8 (b) The changes in law made by this Act relating to a claim
9 for workers' compensation benefits by a member of the Texas
10 military forces apply only to a claim for workers' compensation
11 benefits based on a compensable injury that occurs on or after the
12 effective date of this Act. A claim based on a compensable injury
13 that occurs before that date is governed by the law in effect on the
14 date that the compensable injury occurred, and the former law is
15 continued in effect for that purpose.

16 SECTION 10. This Act takes effect September 1, 2023.