

By: Kuempel

H.B. No. 3416

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain first responders for workers' compensation benefits for post-traumatic stress disorder under the workers' compensation system.

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

SECTION 1. Section 408.006(b), Labor Code, is amended to read as follows:

(b) Notwithstanding Section 406.0061 [~~504.019~~], a mental or emotional injury that arises principally from a legitimate personnel action, including a transfer, promotion, demotion, or termination, is not a compensable injury under this subtitle.

SECTION 2. Section 504.019, Labor Code, is transferred to Subchapter A, Chapter 408, Labor Code, redesignated as Section 408.0061, and amended to read as follows:

Sec. 408.0061 [~~504.019~~]. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR CERTAIN FIRST RESPONDERS. (a) In this section:

(1) "First responder" means an individual employed by this state, a political subdivision of this state, or an institution of higher education as defined by Section 61.003, Education Code, 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

1 technician, emergency medical technician-intermediate, emergency
2 medical technician-paramedic, or licensed paramedic; or

3 (C) a firefighter subject to certification by the
4 Texas Commission on Fire Protection under Chapter 419, Government
5 Code, whose principal duties are firefighting and aircraft crash
6 and rescue.

7 (2) "Post-traumatic stress disorder" means a disorder
8 that meets the diagnostic criteria for post-traumatic stress
9 disorder specified by the American Psychiatric Association in the
10 Diagnostic and Statistical Manual of Mental Disorders, fifth
11 edition, or a later edition adopted by the commissioner of workers'
12 compensation.

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

16 (1) the disorder is caused by one or more events
17 occurring in the course and scope of the first responder's
18 employment; and

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

21 (c) For purposes of this subtitle, the date of injury for
22 post-traumatic stress disorder suffered by a first responder is the
23 date on which the first responder first knew or should have known
24 that the disorder may be related to the first responder's
25 employment.

26 SECTION 3. The changes in law made by this Act apply only to
27 a claim for workers' compensation benefits based on a compensable

1 injury that occurs on or after the effective date of this Act. A
2 claim based on a compensable injury that occurs before that date is
3 governed by the law as it existed on the date the compensable injury
4 occurred, and the former law is continued in effect for that
5 purpose.

6 SECTION 4. This Act takes effect September 1, 2023.