By: Cole H.B. No. 1002

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 408.0061 [~~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, Labor Code, 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 2A.001, Code of Criminal Procedure;

(B) an individual [~~a person~~] licensed under Chapter 773, Health and Safety Code, as an emergency care

attendant, emergency medical technician, advanced emergency medical technician [~~technician-intermediate~~], emergency medical technician-paramedic, or licensed paramedic; or

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

(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.

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

(1) the disorder is caused by one or more events occurring outside [~~in~~] the course and scope of the first responder's employment; and

(2) no [~~the preponderance of the evidence indicates that the~~] event or events that occurred in the course and scope of the first responder's employment were a producing cause of the disorder.

(c) For purposes of this subtitle, the date of injury for post-traumatic stress disorder suffered by a first responder is the date on which the first responder first knew or should have known

that the disorder may be related to the first responder's employment.

SECTION 3. Section 409.021(a-3), Labor Code, is amended to read as follows:

(a-3) An insurance carrier is not required to comply with Subsection (a) if the claim results from an employee's disability or death for which a presumption is claimed to be applicable under Section 408.0061 of this code or Subchapter B, Chapter 607, Government Code, and, not later than the 15th day after the date on which the insurance carrier received written notice of the injury, the insurance carrier has provided the employee and the division with a notice that describes all steps taken by the insurance carrier to investigate the injury before the notice was given and the evidence the carrier reasonably believes is necessary to complete its investigation of the compensability of the injury. The commissioner shall adopt rules as necessary to implement this subsection.

SECTION 4. Section 415.021(c-2), Labor Code, is amended to read as follows:

(c-2) In determining whether to assess an administrative penalty involving a claim in which the insurance carrier provided notice under Section 409.021(a-3), the commissioner shall consider whether:

(1) the employee cooperated with the insurance carrier's investigation of the claim;

(2) the employee timely authorized access to the applicable medical records before the insurance carrier's deadline

to:

(A) begin payment of benefits; or

(B) notify the division and the employee of the insurance carrier's refusal to pay benefits; and

(3) the insurance carrier conducted an investigation of the claim, applied the statutory presumptions under Section 408.0061 of this code or Subchapter B, Chapter 607, Government Code, and expedited medical benefits under Section 504.055 or 504.057.

SECTION 5. Section 501.001(5-a), Labor Code, is amended to read as follows:

(5-a) "Post-traumatic stress disorder" has the meaning assigned by Section 408.0061 [~~504.019~~].

SECTION 6. The changes in law made by this Act apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law as it existed on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2027.