

## **BILL ANALYSIS**

C.S.H.B. 3120  
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Business & Industry  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns about first responders with catastrophic injuries sustained in the line of duty and the difficulties they face in recovering from their injuries, taking care of their families, and navigating the complicated workers' compensation system. A first responder who suffers from a severe bodily injury that permanently prevents the employee from performing any gainful work would benefit from certain lifetime income benefits under the Texas Workers' Compensation Act. C.S.H.B. 3120 seeks to provide those benefits and update certain outdated terminology used with respect to other conditions eligible for those benefits to bring clarity and apply an identifiable medical standard.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3120 amends the Labor Code to add certain provisions and revise certain conditions establishing an injured employee's eligibility for lifetime income benefits until death under the Texas Workers' Compensation Act.

C.S.H.B. 3120 makes eligible for lifetime income benefits a first responder who sustains a serious bodily injury, as defined by the Penal Code, in the course and scope of employment or volunteer service as a first responder that permanently prevents the employee from performing any gainful work. Adjudication of lifetime income benefits for such a first responder may proceed in the manner prescribed for an expedited proceeding under statutory provisions regarding the expedited provision of medical benefits for certain injuries sustained by a first responder in the course and scope of employment.

C.S.H.B. 3120 updates the description of the compensable condition of an injured employee with a physically traumatic brain injury to specify that such an injury, rather than resulting in incurable insanity or imbecility, is an injury resulting in a permanent major neurocognitive disorder or a psychotic disorder.

C.S.H.B. 3120 changes the type of compensable burn injury to an injured employee from third degree burns covering the majority of either both hands or one hand and the face to, as follows, third degree burns covering the majority of:

- both hands;

- both feet;
- one hand and one foot; or
- one hand or foot and the face.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3120 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not change the compensable condition resulting from a physically traumatic brain injury with permanent cognitive deficits that, as follows:

- render the employee permanently unemployable without significant accommodations; or
- 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.

Instead, the substitute changes that compensable condition to a physically traumatic brain injury resulting in a permanent major neurocognitive disorder or a psychotic disorder.

The substitute changes the provision making a first responder eligible for lifetime income benefits by doing the following:

- removing the original's eligibility requirement that the first responder with a permanent and total disability, as determined under federal law, be employed by a political subdivision that self-insures, either individually or collectively;
- changing the compensable condition from permanent and total disability as determined under federal law to a serious bodily injury, as defined in the Penal Code, sustained in the course of employment that permanently prevents the employee from performing any gainful work;
- making an employee who suffers the serious bodily injury in volunteer service as a first responder eligible for lifetime income benefits; and
- including a provision authorizing the adjudication of lifetime income benefits for a first responder to proceed in an expedited manner under specified state law.