

SUBJECT: Allowing first responders to recover workers' compensation for PTSD

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 7 ayes — Oliveira, Shine, Collier, Romero, Stickland, Villalba, Workman

0 nays

WITNESSES: For — Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Frederick Frazier, Dallas Police Association; Mitch Landry and Chris Orton, Texas Municipal Police Association (TMPA); John Riddle, Texas State Association of Firefighters; Robert Abbott, Travis County ESD 6; Paul Bogan, Williamson County Deputies Association; Suzy Gulliver; (*Registered, but did not testify*: Todd Harrison, Combined Law Enforcement Associations of Texas; Mary Duncan, Crime Victim Coalition; Michael Huschle, James McDade, and Robert Russ, Dallas Fire Fighters Association; Johnny Villarreal, Houston Fire Fighters Local 341; Ray Hunt, Houston Police Officers' Union; Patrick Lancton, Houston Professional Fire Fighters Association; Chris Wilson, Longview Professional Firefighter's Association; Gyl Switzer, Mental Health America of Texas; Greg Hansch, National Alliance on Mental Illness (NAMI) TX; Bradford McCutcheon, Plano Firefighters Association; Jimmy Rodriguez, San Antonio Police Officers Association; Casey Haney, State Firefighters' and Fire Marshals' Association; Rene Lara, Texas AFL-CIO; Julie Acevedo, Texas Fire Chiefs Association; Glenn Deshields, Texas State Association of Fire Fighters; Deborah Ingersoll, Texas State Troopers Association; Margaret Johnson, The League of Women Voters of Texas; James Babb, TMPA, and eight individuals)

Against — (*Registered, but did not testify*: Jay Thompson, AFACT; Shannon Meroney, Association of Fire and Casualty Companies in Texas (AFACT))

On — Amy Lee, Texas Department of Insurance, Division of Workers' Compensation; (*Registered, but did not testify*: Stephen Vollbrecht, State Office of Risk Management)

BACKGROUND: Labor Code, sec. 408.006 specifies that mental or emotional injuries arising from personnel action are not compensable injuries for the purposes of workers' compensation.

DIGEST: CSHB 1983 would allow first responders to receive workers' compensation for post-traumatic stress disorder (PTSD), provided that they were diagnosed with PTSD caused by an event occurring in the course and scope of the first responder's employment, and that the preponderance of evidence indicated that the event was a substantial contributing factor of the disorder.

First responders covered by the bill would include:

- peace officers;
- licensed emergency care attendants, emergency medical technicians, and paramedics; and
- certified firefighters whose principal duties are firefighting and aircraft crash and rescue.

This bill would take effect September 1, 2017, and would apply only to a claim that occurred on or after that date.

SUPPORTERS SAY: CSHB 1983 would allow first responders to access the treatment they need without fear of professional risk or stigma. Currently, the only way for first responders to get workers' compensation coverage for PTSD is to assert that they have a mental impairment, which can be grounds for dismissal. This fear of being terminated prevents many from seeking help.

The bill would allow the state to better serve the health needs of its first responders. Firefighters and other first responders have a higher rate of PTSD than the general population, and first responder suicides are increasing in Texas. Employee assistance programs that first responders can access without being declared mentally impaired offer general practitioners who are not as qualified as PTSD specialists to evaluate the condition and provide resources for treatment. By offering specialized

trauma care to first responders and better equipping them to do their jobs, the bill would increase public safety as a whole.

The bill also would provide a clear signal that Texas honors its first responders, who risk their lives and witness extreme trauma on a daily basis to protect the safety of all Texans. Offering adequate treatment to these public servants for PTSD resulting directly from their first responder duties is the right thing to do.

The potential cost posed by the bill would be insignificant and outweighed by being able to retain trained and experienced first responders.

OPPONENTS
SAY:

CSHB 1983 could result in significant cost increases to insurance carriers by expanding PTSD-based workers' compensation claims. These costs would be passed along to consumers in the form of higher premiums.

NOTES:

The committee substitute would extend PTSD coverage to "first responders," while the bill as introduced would have limited coverage to "firefighters and peace officers."

A companion bill, SB 1722 by Whitmire, was referred to the Senate Business and Commerce Committee on March 22.