

- SUBJECT:** Designating a liaison for first responders in workers' compensation cases
- COMMITTEE:** Business and Industry — favorable, without amendment
- VOTE:** 6 ayes — Oliveira, Shine, Collier, Romero, Villalba, Workman
1 nay — Stickland
- WITNESSES:** For — Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Mary Duncan, Crime Victim Coalition; Mitch Landry, Texas Municipal Police Association (TMPA); Tommy Duncan; Jacob Flores; Susan Marshall; Carlton Marshall; Jessica Scherlen; (*Registered, but did not testify*: Randy Moreno, Austin Firefighters; Todd Harrison, Combined Law Enforcement Associations of Texas (CLEAT); Jimmy Rodriguez, San Antonio Police Officers Association; Glenn Deshields, Texas State Association of Fire Fighters; Robert Abbott, Travis County ESD 6; Paul Bogan, Williamson County Deputies Association; Chris Orton; Thomas Parkinson)
Against — None
On — Jessica Barta, Office of Injured Employee Counsel; Amy Lee, Texas Department of Insurance, Division of Workers' Compensation
- BACKGROUND:** Labor Code, sec. 404.151 requires the Office of Injured Employee Counsel to maintain an ombudsman program providing assistance to injured employees and death benefit claimants in navigating workers' compensation claims. An ombudsman is required to meet with injured employees and unrepresented claimants, investigate complaints, and communicate with employers, carriers, and providers.
Sec. 404.051 requires the governor, with the advice and consent of the Senate, to appoint an injured employee public counsel.
- DIGEST:** HB 2082 would require the injured employee public counsel appointed by the governor to designate an employee of the Office of Injured Employee

Counsel as a first responder liaison. The liaison would be required to assist an injured first responder and the first responder's ombudsman during workers' compensation dispute resolution.

The first responder liaison would have to qualify for designation as an ombudsman, including meeting training and education requirements.

The bill also would require employers with first responder employees to notify these employees of the first responder liaison.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 2082 would make the workers' compensation dispute resolution process faster and more efficient for first responders by ensuring access to specialized legal advice. First responders and their ombudsmen currently may be unaware of the unique laws regulating first responder workers' compensation. Providing a qualified liaison would guarantee that first responders were informed about their options.

The bill would signal clearly that Texas respects its first responders, who endanger themselves daily to protect the security and welfare of the public. When first responders sustain injuries in service of the public interest, their burden to receive the care they need should be as light as possible.

Concerns about potential favoritism should be weighed against the real and unique public safety risks involved when first responders are injured. When first responders are denied the treatment they need to return quickly to work, police departments and fire stations become short-staffed, creating a danger to responders who lose protective backup and to the general public. By expediting the workers' compensation dispute process for first responders, the bill would mitigate these public safety risks and ensure that the state was getting help to those who perform a vital service.

**OPPONENTS
SAY:**

HB 2082 would be an example of bureaucratic favoritism that creates a special class within an overly complex system instead of reforming the

system itself. First responders already are afforded special treatment in workers' compensation disputes, and the state should not widen the gap between their access to benefits and the access afforded to the general public.

NOTES: A companion bill, SB 1036 by Perry, was referred to the Senate Business and Commerce Committee on March 6.