

- SUBJECT:** Commissioning a study on first responder workers' compensation claims
- COMMITTEE:** Business and Industry — committee substitute recommended
- VOTE:** 7 ayes — C. Turner, Hefner, Crockett, Lambert, Ordaz Perez, Patterson, S. Thompson
- 0 nays
- 2 absent — Cain, Shine
- WITNESSES:** For — Noel Johnson, JPCA; John Wilkerson, Texas Municipal Police Association; (*Registered, but did not testify:* Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Frederick Frazier, Dallas Police Association/FOP716 State FOP; Carlos Lopez and Jama Pantel, Justices of the Peace and Constables Association of Texas; Aidan Alvarado, Laredo Firefighters Association; Leroy Garcia, Mission Firefighters Association; Glenn Deshields and Mike Silva, Texas State Association of Fire Fighters; Jonathan Firebaugh; Jerod Kostecka; Angela Multer)
- Against — None
- On — (*Registered, but did not testify:* Amy Lee, Texas Department of Insurance, Division of Workers' Compensation)
- BACKGROUND:** Labor Code sec. 504.055 defines a first responder to mean an individual employed by a political subdivision of this state who is:
- a peace officer;
 - a licensed emergency care attendant, emergency medical technician (EMT), EMT-intermediate; EMT-paramedic, or licensed paramedic;
 - a firefighter; or
 - a volunteer firefighter or emergency medical services volunteer.

DIGEST: CSHB 1635 would require the Workers' Compensation Research and Evaluation Group to study workers' compensation claims involving first responders. The group would analyze:

- medical costs;
- return-to-work outcomes;
- access to and utilization of care;
- satisfaction with care; and
- health-related functional outcomes.

The group would be required to issue a report on the study to the governor, the lieutenant governor, the House speaker, and the Legislature by December 1, 2022. The bill's provisions would expire on January 1, 2023.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 1635 would protect injured first responders in Texas by studying the issues that have led to dissatisfaction with the state's workers' compensation system. Texas is indebted to these brave men and women who willingly put themselves in harm's way to protect the public. Unfortunately, after being injured or getting sick in the line of duty, first responders too often encounter a frustrating system. Many have complained about issues such as the length of time it takes to get a response from workers' compensation, peace officers being terminated from their jobs for not returning to work quickly enough, and insufficient compensation from workers' comp while unable to work.

First responders also are at elevated risk for on-the-job exposure to COVID-19 and many may have contracted the virus in the line of duty, with some having died of the disease. There is confusion and disagreement between claimants and workers' comp over how to handle COVID-19 claims. Advocates for first responders would like to see workers' compensation address this issue and to devote more resources to the unique needs of these front-line workers.

CSHB 1635 would address the unique challenges first responders face while on duty by tasking the Texas Department of Insurance's Workers' Compensation Research and Evaluation Group specifically to study workers' compensation for peace officers, firefighters, EMTs, and other first responders. The one-time study would identify issues and gather data on their claims and outcomes. The group's report, which would be shared with state leaders, would provide valuable insights that could be used to inform future legislation to protect the state's first responders.

CRITICS
SAY:

No concerns identified.