

BILL ANALYSIS

Senate Research Center
85R21655 JSC-F

H.B. 1983
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Business & Commerce
5/9/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that under current law, post-traumatic stress disorder (PTSD) is not recognized as a compensable injury under the Texas' workers' compensation system like many physical wounds. To receive care for this disorder, a first responder must show a physical condition such as sleep deprivation that could be remedied with treatment for PTSD or receive a diagnosis of a mental impairment or mental illness that has a treatment similar to PTSD. Under the current system mental illness or mental impairment diagnosis could result in a claim that a first responder was unfit for duty when a small amount of counseling was all they required. Furthermore, delays in receiving diagnoses or treatment leave first responders at higher risk for self-harm and self-destructive behavior resulting from this disorder.

H.B. 1983 seeks to remedy these issues with the current system by amending Subchapter B, Chapter 504, Labor Code, to make PTSD, as diagnosed according to the American Psychiatric Association, a compensable injury under workers' compensation.

H.B. 1983 gives a fire fighter or police officer the option to apply for benefits under workers' compensation for PTSD without declaring a mental impairment, providing they meet the diagnostic criteria and the condition was caused by an event occurring within the scope of their employment as a fire fighter or police officer.

The definition of first responder was amended to match existing definitions in the Labor Code. The requirements for PTSD to be a compensable injury were altered to require the condition to be caused by an event occurring within the scope of employment, replacing language requiring that it be events occurring within the scope of employment.

H.B. 1983 amends current law relating to the eligibility of a first responder for workers' compensation benefits for post-traumatic stress disorder.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 504, Labor Code, by adding Section 504.019, as follows:

Sec. 504.019. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR CERTAIN FIRST RESPONDERS. (a) Defines "first responder" and "post-traumatic stress disorder."

(b) Provides that post-traumatic stress disorder (PTSD) suffered by a first responder is a compensable injury under this subtitle (Workers' Compensation Insurance Coverage for Certain Government Employees) only if it is based on a diagnosis that:

(1) the disorder is caused by an event occurring in the course and scope of the first responder's employment; and

(2) the preponderance of the evidence indicates that the event was a substantial contributing factor of the disorder.

SECTION 2. Amends Section 408.006(b), Labor Code, to provide that a mental or emotional injury that arises principally from a legitimate personnel action, including certain actions, is not a compensable injury under this subtitle, notwithstanding Section 504.019.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.