

SUBJECT: Reimbursement for public safety employees exposed to hazardous materials

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 6 ayes — Giddings, Elkins, Bohac, Martinez Fischer, Solomons, Zedler
0 nays
3 absent — Kolkhorst, J. Moreno, Oliveira

WITNESSES: For — Steve Williams, Houston Professional Firefighters Local 341;
(*Registered, but did not testify:*) Mike Higgins, Texas State Association of Firefighters; Debrah Ingersoll, Texas State Troopers Association; Carl A. Parker, Texas State Teachers Association; Johnny Villarreal, Houston Professional Firefighters

Against — None

On — Stephen Volbrecht, State Office of Risk Management

BACKGROUND: Government Code, sec. 607.002 entitles a public safety employee exposed to a contagious disease to reimbursement from the governmental employer for reasonable medical expenses incurred in treatment for the prevention of the disease if:

- the disease is not an “ordinary disease of life”;
- exposure to the disease occurs during employment; and
- the employee requires preventive medical treatment because of exposure.

DIGEST: CSHB 1860 would amend Government Code, sec. 607.002 to add exposure to hazardous material as a condition for which a public safety employee was entitled to reimbursement. It also would specify that reimbursement would be for reasonable medical expenses incurred in receiving preventive medical treatment because of exposure. A public safety employee exposed to a hazardous material would be entitled to reimbursement if the material was classified by the U.S. Secretary of Transportation as a hazardous material.

A public safety employee exposed to a hazardous material would be entitled to receive preventive medical treatment from the physician of the employee's choice.

A firefighter or other governmental employee operating an ambulance or responding to an emergency would be entitled to preventive medical treatment for exposure to any hazardous material. Immediate family members of the employee also would be entitled to preventive medical treatment for any hazardous material to which the employee had been exposed during employment.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 1860 would ensure that public safety employees received preventive medical treatment in the event of exposure to hazardous materials. From a tanker-truck spill to the detonation of a weapon of mass destruction, firefighters and other public safety employees are the first to respond to an emergency. Because these individuals lay their lives on the line to protect the public, the state should ensure that they receive preventive treatment for some of the dangers they face.

Preventive treatment can have a major impact on the quality of life for someone who has been exposed to a hazardous material. For example, an Oklahoma firefighter responding to an emergency was exposed to a chemical but showed no immediate symptoms. Within a few weeks, however, his teeth began falling out and he began suffering from a number of other health problems, eventually including cancer. In his case, preventive treatment before the signs of symptoms could have prevented many of these health problems.

State law already recognizes that public safety employees deserve reimbursement for medical treatment from their employer for on-the-job risks, such as exposure to a contagious disease. The bill would expand the requirement to include exposure to hazardous materials and provide for preventive treatment to ensure that action could be taken before it was too late. In addition, the bill would provide for preventive treatment for the immediate family. In some cases, an exposed medical worker or firefighter could bring home a substance on his or her clothes or skin, possibly exposing

children or spouses to the material. Because of this, the bill would ensure that families also were covered.

**OPPONENTS
SAY:**

Providing preventive treatment to public safety employees that have been exposed to hazardous is a good idea; however, the bill would not provide any money to cities or counties to pay for treatment. Nothing in current law prohibits a local government from providing this benefit if it can afford it. Some local governments are struggling to provide even basic fire and medical services. The bill could impose such a potential cost that they would have to give up their efforts to provide these basic services. Although its intentions are good, this bill simply would be another unfunded mandate on local government.

NOTES:

The substitute modified the bill as introduced to specify that a hazardous material had to be classified as such by the U.S. Secretary of Transportation, instead of being a hazardous material regulated under state or federal law.

The companion bill, SB 808 by Janek, was referred to the Senate Health and Human Services Committee on March 10.