

SUBJECT: Eligibility for worker's compensation for PTSD caused by multiple events

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 9 ayes — Martinez Fischer, Darby, Beckley, Collier, Landgraf, Moody, Parker, Patterson, Shine

0 nays

WITNESSES: For — Chris Jones, CLEAT; Braden Frame, Lake Travis Fire Fighters; Alissa Sughrue, National Alliance on Mental Illness Texas; Jeff Freeman, Rowlett Police Department; Brad McCutcheon, Texas State Association of Firefighters; (*Registered, but did not testify*: Joel Romo, Association of Texas EMS Professionals; TJ Patterson, City of Fort Worth; James Parnell, Dallas Police Association; Rob Gibson, Fort Worth Firefighters; David Sinclair, Game Warden Peace Officers Association; Aidan Alvarado, Laredo Fire Fighters Association; Joan Reames, League of Women Voters; Michael Silva and Leroy Garcia, Mission Fire Fighters Association; Eric Kunish, National Alliance on Mental Illness Austin; Cheri Siegelin, Texas Correctional Employees-Huntsville; Jill Meyer, Texas Correctional Employees-Amarillo; Glenn Deshields, Texas State Association of Fire Fighters; Mario Martinez, Texas State Troopers Association; Dick Brock, TMPA; Maren Connolly; Anthony Kivela; Elisa Saslavsky)

Against — Michael Pichinson, Texas Association of Counties Risk Management Pool; David Reagan, Texas Municipal League Intergovernmental Risk Pool

On — Amy Lee, Texas Department of Insurance, Division of Workers' Compensation; (*Registered, but did not testify*: Ender Reed, Harris County Commissioners Court)

BACKGROUND: Labor Code sec. 504.019(a)(2) defines post-traumatic stress disorder as a disorder that meets diagnostic criteria specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental

Disorders, fifth edition, or a later edition adopted by the commissioner of workers' compensation.

Under sec. 504.019(b), PTSD is a compensable injury under the workers' compensation system for a first responder employed by a political subdivision of the state, including peace officers, firefighters, and emergency medical services personnel, if it was based on a diagnosis that:

- the disorder is caused by an event occurring in the course and scope of the first responder's employment; and
- the preponderance of the evidence indicates that the event was a substantial contributing factor of the disorder.

Concerns have been raised that this section requires a diagnosis that the disorder relates to a single event, although some note that the disorder can be caused by multiple events.

DIGEST:

CSHB 2143 would specify that post-traumatic stress disorder (PTSD) suffered by a first responder would be a compensable injury under the state's workers' compensation system if it was based on a diagnosis that:

- the disorder was caused by one or more events occurring in the course and scope of the first responder's employment; and
- the preponderance of evidence indicated that the event or events were a substantial contributing factor of the disorder.

The bill would take effect September 1, 2019, and would apply to a claim for workers' compensation benefits based on a compensable injury that occurred on or after that date.