

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB 2239
Version:	CCS B
Request Number:	11525
Author:	Sterling
Date:	5/10/2022
Impact:	Please see previous summary of this measure

Research Analysis

The conference committee substitute for HB 2239 provides that post-traumatic stress disorder (PTSD) suffered while responding to an emergency by a first responder is a compensable injury. *First responder* is defined as a law enforcement officer, firefighter, volunteer firefighter, or emergency medical technician. If a physician determines that the first responder is temporarily unable to perform their job, they are entitled to compensation which is the greater of the weekly benefit provided in a collective bargaining agreement or according to the employer's policy, or 70 percent of the employee's average weekly wage not to exceed the state average weekly wage, for no more than 52 weeks. The employer must provide reasonable and necessary medical treatment for up to one year, and will not be responsible for medical treatment in the form of prescription medication in excess of \$10,000. The employer must also pay to maintain health insurance coverage. If the first responder receiving said benefits is still unable to perform their job after reaching maximum medical improvement and is ineligible for disability retirement, they will be deemed eligible for permanent disability benefits.

The CCS also adds definitions for *idiopathic* and *intentional act* as used in Administrative Workers' Compensation Act. *Idiopathic* means an injury or condition where the cause or injury occurs in the course of employment but does not arise out of the employment. *Intentional act* means an injury that is the result of a willful, deliberate, and specific intent to cause harm when the act is not considered an employment risk. The measure provides that the definition of *accident* in relation to a compensable injury does not include intentional acts. Additionally, the measure provides that injuries that are idiopathic or the result of an intentional act do not qualify as compensable injuries.

The measure also amends the definition of *permanent partial disability* by deleting the requirement that the disability must prevent the injured employee from returning to their pre-injury job. Beginning January 1, 2023, compensation for permanent partial disability will be 70 percent of the employee's average weekly wage, not to exceed 40 percent of the state's average weekly wage, for no more than 360 weeks.

The measure provides terms for beneficiary payments of employees who die as a result of their injury or occupational illness.

The Workers' Compensation Commission is permitted to review any compensation judgment, award, or decision at any time. Employees may also request an independent medical examiner be appointed to determine the necessity of surgery recommended by a treating physician. The measure provides that an independent medical examiner will not be disqualified from serving based upon a probationary license status.

Finally, the measure amends provisions regarding judges of the Workers' Compensation Court of Existing Claims.

Prepared By: Emily McPherson

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

Other Considerations

None.