HLS 22RS-1124 ENGROSSED

2022 Regular Session

HOUSE BILL NO. 854

1

BY REPRESENTATIVES STAGNI AND MAGEE

CIVIL SERVICE/FIRE & POL: Provides relative to occupational diseases for members in the classified fire service

AN ACT

2 To amend and reenact R.S. 33:2011(A) and to enact R.S. 33:2011(E), relative to 3 occupational diseases; provides relative to members employed in the classified fire 4 service; to provide for an extension to the rebuttable presumption; to provide 5 limitations; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 33:2011(A) is hereby amended and reenacted and R.S. 33:2011(E) 8 is hereby enacted to read as follows: 9 §2011. Development of cancer during employment in fire service; occupational 10 disease 11 A.(1) Because of exposure to heat, smoke, and fumes or carcinogenic, 12 poisonous, toxic, or chemical substances, when a firefighter in the classified service 13 who has completed ten or more years of service has developed cancer, the cancer 14 shall be classified as an occupational disease or infirmity connected with the duties 15 of a firefighter. The disease or infirmity shall be presumed to have been caused by 16 or to have resulted from the work performed. This presumption shall be rebuttable 17 by evidence meeting judicial standards. 18 (2) The presumption and shall be extended to a member following 19 termination of service as follows:

1 (a) For a firefighter or retired firefighter who developed cancer prior to 2 January 1, 2023, the presumption shall be extended for a period of three months for 3 each full year of service, not to exceed sixty months, commencing with the last 4 actual date of service. Any claim by such a firefighter or retired firefighter is also 5 subject to applicable prescriptive periods for indemnity or medical claims. 6 (b) For a firefighter or retired firefighter who developed cancer on or after 7 January 1, 2023, the presumption shall be extended for a period of six months for 8 each full year of service, not to exceed one hundred eighty months, commencing 9 with the last actual date of service. 10 11 E. For claims arising under this Section that are filed on or after January 1, 12 2023, the obligation of the employer to furnish such care, services, treatment, drugs, and supplies, whether in state or out of state, is limited to the reimbursement 13 14 determined to be the mean of the usual and customary charges for such care, 15 services, treatment, drugs, and supplies, as determined under the reimbursement 16 schedule published pursuant to R.S. 23:1034.2 or fifty percent of the actual charge 17 for the service, whichever is less.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 854 Engrossed

2022 Regular Session

Stagni

Abstract: Extends the time period of the rebuttable presumption relative to occupational diseases for certain members in the classified fire services in connection with the duties of being a firefighter.

<u>Present law</u> provides that when a firefighter who is in the classified fire service and has completed 10 or more years of service, develops cancer, the cancer shall be classified as an occupational disease or infirmity.

<u>Present law</u> further provides that the disease or infirmity shall be presumed to have been caused by the work performed. Provides that the presumption is rebuttable by evidence meeting judicial standards.

Proposed law retains present law.

<u>Present law</u> provides that this presumption shall be extended to a member following termination of service for a period of three months for each full year of service not to exceed 60 months.

<u>Proposed law</u> retains <u>present law</u> with respect to firefighters or retired firefighters who developed cancer prior to Jan. 1, 2023. Provides that any claim by these firefighters is also subject to applicable prescriptive periods for indemnity or medical claims.

<u>Proposed law</u>, relative to firefighters or retired firefighters who develop cancer on or after January 1, 2023, extends the presumption to a period of six months for each full year of service not to exceed 180 months.

<u>Proposed law</u> limits the obligation of employers regarding claims filed pursuant to <u>present</u> or <u>proposed law</u> on or after Jan. 1, 2023 to the worker's compensation reimbursement schedule or 50% of the actual charge for service, whichever is less.

(Amends R.S. 33:2011(A); Adds R.S. 33:2011(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Municipal, Parochial</u> and Cultural Affairs to the original bill:

- 1. Make the extended presumption period applicable only to firefighters or retired firefighters who develop cancer on or after January 1, 2023.
- 2. Provide that any claim by firefighters or retired firefighters who develop cancer prior to January 1, 2023 is also subject to applicable prescriptive periods for indemnity or medical claims.
- 3. Add limitation on the obligation of employers regarding claims filed pursuant to <u>present</u> or <u>proposed law</u> on or after Jan. 1, 2023.