
DIGEST

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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.

Present law 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.

Present law 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.

Present law 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.

Proposed law retains present law 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.

Proposed law, 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.

Proposed law limits the obligation of employers regarding claims filed pursuant to present or proposed law 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 House Committee on Municipal, Parochial 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 present or proposed law on or after Jan. 1, 2023.