

2016 Regular Session

HOUSE BILL NO. 26

BY REPRESENTATIVE MONTOUCET

RETIREMENT/FIREFIGHTERS: Provides relative to appeals of certain disability eligibility decisions in the Firefighters' Retirement System

1 AN ACT

2 To enact R.S. 11:2258.1, relative to decisions regarding eligibility for disability benefits  
3 from the Firefighters' Retirement System; to provide relative to appeals of such  
4 decisions; and to provide for related matters.

5 Notice of intention to introduce this Act has been published  
6 as provided by Article X, Section 29(C) of the Constitution  
7 of Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 11:2258.1 is hereby enacted to read as follows:

10 §2258.1. Disability benefits; appeal

11 A member may appeal a decision made pursuant to R.S. 11:218(D)(2) or (3),  
12 regarding eligibility for disability benefits, by filing a petition in the appropriate  
13 district court within thirty days after receipt of written notice of the decision.

14 Section 2. The provisions of this Act are applicable only if the decision regarding  
15 eligibility for disability benefits is made after the effective date of this Act.

16 Section 3. If House Bill No. \_\_\_\_ of this 2016 Regular Session is enacted to law, the  
17 Louisiana State Law Institution shall consolidate the provisions of R.S. 11:2258.1 as  
18 contained therein with the provisions of R.S. 11:2258.1 as contained in this Act.

19 Section 4. This Act shall become effective upon signature by the governor or, if not  
20 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

---

## 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 26 Original

2016 Regular Session

Montoucet

**Abstract:** Requires that an appeal by a member of the Firefighter's Retirement System (FRS) of a decision regarding his eligibility for disability benefits be filed within 30 days.

Present law provides procedures whereby a member of a state or statewide retirement system may apply for disability benefits from his system. Provides for determination of eligibility for disability benefits by a physician. Further provides that if either the applicant or the retirement system's board of trustees contests the physician's decision, the contesting party may request a second medical examination by filing a written appeal within 30 days after notification of the decision. If the two physicians differ in their decisions, they shall select a third specialist to conduct another examination. Provides that the majority opinion of the three physicians shall be final and binding and not subject to further appeal other than through the courts.

Proposed law provides that a member of FRS who wishes to appeal either the decision of the first two physicians or the majority opinion of the three physicians may do so by filing a petition with the district court within 30 days after receipt of the written notice of the decision.

Proposed law is applicable only to eligibility decisions made after the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 11:2258.1)