

2016 Regular Session

HOUSE BILL NO. 24

BY REPRESENTATIVE MONTOUCET

RETIREMENT/FIREFIGHTERS: Provides that a member of the Firefighters' Retirement System is not eligible for disability retirement benefits if his disability is indirectly a result of a preexisting condition

1 AN ACT

2 To amend and reenact R.S. 11:2258(A) and (B)(introductory paragraph) and to enact R.S.
3 11:2258.1, relative to eligibility for disability benefits from the Firefighters
4 Retirement System; to provide relative to eligibility for disability benefits; to provide
5 for appeals of board decisions regarding eligibility; and to provide for related
6 matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:2258(A) and (B)(introductory paragraph) are hereby amended and
12 reenacted and R.S. 11:2258.1 is hereby enacted to read as follows:

13 §2258. Disability retirement

14 A.(1) ~~Eligibility~~ Except as provided by Paragraph (2) of this Subsection,
15 eligibility for disability benefits, procedures for application for disability benefits,
16 procedures for the certification of continuing eligibility for disability benefits, the
17 authority of the board of trustees to modify disability benefits, and procedures
18 governing the restoration to active service of an employee who formerly had a
19 disability are specifically described and provided for in R.S. 11:201 through 224.

1 (2)(a) No member is eligible for a disability benefit if his disability is a direct
2 or indirect result of a condition that existed prior to employment in this system. For
3 example but not as a limitation, if a member's disability develops because his service
4 exacerbates an injury sustained prior to employment in this system, he is not eligible
5 for benefits stemming from that disability.

6 (b) In determining whether a member's disability is a result of a condition
7 that existed prior to employment in this system, the board of trustees shall consider
8 medical and other factual information; however, the board shall not consider the fact
9 that the member was determined by medical examination to be fit for employment
10 as a firefighter as indicative of the absence of preexisting conditions.

11 B. The board of trustees shall award disability benefits to eligible members
12 who have been officially certified as having a disability by the State Medical
13 Disability Board unless the board of trustees determines that the disability is a direct
14 or indirect result of a condition that existed prior to employment in this system. The
15 disability benefit shall be determined as follows:

16 * * *

17 §2258.1. Disability benefits; appeal

18 An appeal of a decision regarding eligibility for disability benefits pursuant
19 to R.S. 11:2258(A)(2) may be instituted by filing a petition in the appropriate district
20 court within thirty days after receipt of written notice of the decision.

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 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 24 Engrossed

2016 Regular Session

Montoucet

Abstract: Prohibits a member of the Firefighters' Retirement System (FRS) from receiving a disability retirement benefit if his disability is indirectly a result of a preexisting condition. Provides relative to appeals of eligibility decisions based on the cause of the disability.

Present law provides for a disability retirement for members of FRS. Provides for determination of the amount of the disability benefit. Provides that eligibility for a disability retirement is determined by a physician.

Present law, relative to all state and statewide retirement systems, provides that any disability claimed must have been incurred after commencement of service in the retirement system and that a disability claim for a preexisting condition shall not be honored.

Proposed law retains present law and, relative to FRS, provides that a member is not eligible for a disability benefit if the disability is *indirectly* a result of a preexisting condition, for example, if fire department employment has made such a condition worse. Prohibits the board of trustees from considering the fact that the member was found to be fit for fire department employment in determining whether a disability is the result of a preexisting condition. Proposed law further provides that an appeal of a decision that the member is ineligible because the disability preceded employment may be instituted by filing a petition in the district court within 30 days after receipt of written notice of the decision.

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

(Amends R.S. 11:2258(A) and (B)(intro. para.); Adds R.S. 11:2258.1)