DIGEST

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)