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## DIGEST

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HB 854 Reengrossed

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 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 who terminate service prior to Jan. 1, 2023.

Proposed law extends the presumption to a period not to exceed 120 months for firefighters who are active or who terminate their service on or after Jan. 1, 2023, and who have been diagnosed with cancer prior to reaching the age of 65. Proposed law provides that the presumption is extended to such a firefighter if he is in one of the following categories:

- (1) Firefighters who are employed in the fire service for at least 10 years and attain the age of 55.
- (2) Firefighters who are employed in the fire service for at least 20 years and attain the age of 50.
- (3) Firefighters who are employed in the fire service for at least 25 years.
- (4) Firefighters who are employed in the fire service for at least 10 years and who are subsequently approved for disability retirement by a public retirement system.

Proposed law limits the obligation of employers regarding claims filed pursuant to present or proposed law on or after Jan. 1, 2023, to the Medicare fee schedule times 1.5 or the actual charge, whichever is less. Proposed law provides that if Medicare reimbursement is not available, the employer's obligation is limited to the worker's compensation reimbursement schedule.

(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 Jan. 1, 2023.
2. Provide that any claim by firefighters or retired firefighters who develop cancer prior to Jan. 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.

The House Floor Amendments to the engrossed bill:

1. Relative to present law provisions that extend the presumption for a period not to exceed 60 months, remove proposed law provisions that make the presumption period applicable only to firefighters or retired firefighters who develop cancer prior to Jan. 1, 2023 and instead add provisions that make the presumption period applicable to firefighters who terminate service prior to Jan. 1, 2023.
2. Remove provisions that extend the presumption for a period not to exceed 180 months to firefighters who develop cancer on or after Jan. 1, 2023.
3. Add provisions that extend the presumption for a period of 120 months to active firefighters or certain firefighters who are diagnosed with cancer prior to reaching age 65.
4. Change the maximum obligation of employers regarding claims filed pursuant to present and proposed law to 1.5 times the reimbursement under Medicare.
5. Remove option granted to employers to pay 50% of the actual charge for the service if the amount is less than owed under the worker's compensation schedule.