

Senate Bill (SB) 22 and the Effect on Claims Coordinators

The 87th Legislature passed [Senate Bill \(SB\) 22](#) which adds new Texas Government Code Section 607.0545 to create a rebuttable presumption that a severe acute respiratory syndrome coronavirus 2 (SARSCoV-2) or coronavirus disease 2019 (COVID-19) injury or death is considered work-related for certain first responders. Under the law, first responders include detention officers, custodial officers, firefighters, peace officers, and emergency medical technicians. *The presumption provisions expire on September 1, 2023.*

This new legislation **may** allow certain denied claims to be reopened and certain unfiled claims to be accepted. Employees should speak with their agencies' claims coordinator to assist them with the claims process. Once a claim is filed, SORM will investigate each claim to determine whether the claim meets the qualifications under this new law.

The initial evaluation criteria must show that the claimant:

- Is a covered employee
- Was employed in an area declared a disaster.
- Contracted COVID-19 during the declared disaster.
- Was employed full time.
- Was diagnosed with COVID-19 using a test authorized or recognized by the Food and Drug Administration.
- Was last on duty not more than 15 days before being diagnosed with COVID-19.

If the claimant is deceased, the presumption applies if the claimant is a covered employee; was on duty not more than 15 days prior to death; and meets one of the following criteria:

- Was diagnosed with COVID-19 using an approved test.
- A physician determined that the claimant was exhibiting symptoms of COVID-19.
- The claimant was hospitalized for COVID-19.
- The claimant died of COVID-19.

What to do:

1. For a claimant who previously filed a COVID-19 claim for benefits and whose claim was denied by SORM, the claimant may be reconsidered. Claims coordinators may instruct the employee or their beneficiary to submit a written request to reprocess the denied claim using the [DWC sample form](#) or similar, and submit the completed form to SORM. A covered employee or beneficiary must make the written request by June 14, 2022.
2. For an employee who contracted COVID-19 between March 13, 2020 and June 14, 2021 and did not previously file a claim and would like file a claim now, claims coordinators can file a claim as normal through RMIS. A covered employee or their beneficiary has until December 14, 2021 to report the claim to their employer.
3. For an employee who contracts COVID-19 after June 14, 2021 and reports the claim to his employer, claims coordinators may file a claim as normal through RMIS.

What to do if an employee asks about having certain out-of-pocket medical expenses covered?

SB 22 creates a process for employees covered under SB 22 to have out-of-pocket medical expenses (including copayments and partial payments) reimbursed by SORM. Claims coordinators should instruct covered

employees to send a written request to SORM. The request must be readable and include documentation (such as receipts) on the amount the claimant paid the health care provider.

For more information, see [FAQs about Claims Subject to Senate Bill 22](#) from the Texas Department of Insurance.

Covered Employees:

Custodial Officer – a person who is employed by:

1. Board of Pardons and Paroles; or
2. Texas Department of Criminal Justice; or
3. Correctional institutions division of the Texas Department of Criminal Justice (TDCJ CID) as:
 - i. Parole officer or caseworker; or
 - ii. Certified by TDCJ CID as having a normal job assignment that: Requires frequent or infrequent regularly planned contact with, and in close proximity to, inmates or defendants of the correctional institutions division without the protection of bars, doors, security screens, or similar devices and Includes assignments normally involving supervision or the potential for supervision of inmates in inmate housing areas, educational or recreational facilities, industrial shops, kitchens, laundries, medical areas, agricultural shops or fields, or in other areas on or away from property of the department.

Detention Officer – an individual employed by A state agency; or Political subdivision of the state to ensure the Safekeeping of prisoners; and Security of a municipal, county, or state penal institution in this state.

Emergency Medical Technician – an individual who is certified as an emergency medical technician by the Department of State Health Services as provided by Chapter 773, Health and Safety Code, and who is employed by a political subdivision.

Firefighter – an individual who is defined as fire protection personnel under Section 419.021; or an individual who is a volunteer firefighter certified by the Texas Commission on Fire Protection or the State Firemen's and Fire Marshals' Association of Texas.

Peace Officer – an individual elected, appointed, or employed to serve as a peace officer for a governmental entity under [Article 2.12, Code of Criminal Procedure](#), or other law.