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# Building a Presumptive Illness Benefit That Works for Montana

Effective presumptive illness (PI) legislation provides meaningful protection for firefighters while controlling associated costs. PI laws can be drafted restrictively or expansively by adjusting the following factors:

## Benefits

PI legislation can dictate the amount of compensation received, and the duration of benefit distribution.

## Covered Diseases

The following diseases are scientifically linked to on-the-job firefighter hazards. Most states cover some, but not all of the following:

- Heart disease (including exertion-related heart attacks)
- Lung disease
- Cancer (various types)
- Infectious diseases (various types)

## Covered Professions

States have limited PI legislation to paid municipal firefighters, or extended it to cover other groups:

- Wildland firefighters
- Volunteer firefighters
- Other public servants

## Time Limitations

Nearly all PI legislation limits the timeframe of eligibility for the presumption:

- Minimum employment requirement (e.g. 10 years of employment before presumption applies)
- Post-employment restriction (e.g. claims must be filed within 2 years of retirement)

## Disqualifying Factors

Certain high-risk conduct may automatically disqualify a person from the presumption.

- Most commonly habitual tobacco use

## Rebuttal Standard

PI legislation allows the insurer to “rebut” the presumption – to show that the firefighter did not incur the disease in the course and scope of employment. It also establishes how easy it is to rebut the presumption:

- By a preponderance of the evidence (more likely than not)
- By clear and convincing evidence (a higher standard)
- Some other legal standard