

# House Bill 1090

# Cheat Sheet

[HB1090](#) will update the definition of a first responder to include telecommunicators in regards to [Section 421.095, Government Code](#).

## What does this mean?

This will affect Texas statutes that **directly reference Section 421.095**. In total, that is four statutes.

### 01

#### [Brain injury training \(Section 1701.264, Occupations Code\)](#)

Section 1701.264 of the Occupations Code discusses training programs for first responders and peace officers for interacting with persons with traumatic brain injuries. Because first responders are defined by Section 421.095, telecommunicators will now have to establish and maintain a program that provides information on:

- The effects of an acquired brain injury and of a traumatic brain injury; and
- Techniques to interact with persons who have an acquired brain injury or a traumatic brain injury

### 02

#### [Reportable diseases confidentiality \(Section 81.046, Health and Safety Code\)](#)

Chapter 81 of the Health and Safety Code covers communicable diseases. This section dictates that any information relating to cases of disease or health conditions can't be made public or subpoenaed, except in certain scenarios:

- Medical information, including information linking someone to another person exposed to a communicable disease, may be released to first responders if they need the information to properly respond to a situation.
- A local health department will provide first responders the address of a person who is being monitored for a communicable disease for the duration of the disease's incubation period. However, the physical address may not be kept in the CAD system after the monitoring period expires.

### 03

#### [Discrimination against first responders right to sue \(Section 451.0025, Labor Code\)](#)

Chapter 451 of the Labor Code focuses on discrimination, specifically that an employee cannot be "discharge[d] or in any other manner discriminate[d] against" if they file a workers' compensation claim or hire a lawyer to represent them in this claim.

First responders are further protected. A first responder may claim that a violation was made and that they were discriminated against for filing workers' compensation. If so, the local government entity that supposedly performed this violation will not be protected by governmental immunity.

### 04

#### [Liability for emergency care \(Section 74.151, Civil Practice and Remedies Code\)](#)

This statute and chapter discuss medical liability and general provisions for citizens. We are concerned with Subchapter D of the statute: Emergency Care.

Section 74.151 of Subchapter D specifies liability for emergency care. It says that a person is not liable for civil damages for trying to help during an emergency unless it can be proven that they acted "willfully or wantonly negligent." The section includes a list of people who qualify for this protection, including a person who administers emergency care as a volunteer who is a first responder. Again, first responders in this instance are defined by Section 421.095 of the Government Code.