



OPPOSE HB 2002

Encourage Mental Health Treatment,
not Punitive Litigation



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Mental illness is a serious public health problem, and it is no different for our first responders. The ongoing pandemic has only increased the stress levels of first responders, who must work long hours while wearing PPE and exposing themselves—and potentially their families and friends—to COVID-19.

HB 2002 is a well-intentioned effort to address what can happen when a first responder who develops a mental illness on the job. But HB 2002's approach to the problem takes the wrong tack. Instead of promoting diagnosis and treatment, HB 2002 promotes litigation against employers who recognize that one of their first responder employees is or may be afflicted with a mental illness. The bill subjects both public and private employers to liability for an "adverse employment action" if the employer knows or believes that a first responder employee has a mental illness. In this context, "adverse employment action" does not simply mean termination of employment. It could mean anything from simply encouraging the first responder to seek treatment or placing the responder on leave for the purpose of seeking treatment, to temporarily reassigning the responder to administrative duties pending treatment or otherwise limiting the responder's exposure to stressful frontline situations.

By threatening punitive lawsuits against an employer (and mandating the recovery of attorney's fees), HB 2002 incentivizes litigation at the expense of dealing directly, responsibly, and compassionately with the first responder's illness. It is difficult to see what policy objective HB 2002 seeks to advance. If the purpose of the bill is to recognize and address a mental health crisis in frontline public safety and EMS personnel, creating more lawsuits is not the answer. By penalizing an employer who takes prompt action to address a mental health crisis in its workforce, HB 2002 could have the unintended effect of putting the first responder, fellow employees, and the public in danger. It will also make employers more reluctant to hire otherwise qualified candidates for employment for fear of future consequences if the candidate should develop a mental illness. HB 2002 is simply the wrong answer to a serious and important policy question.

It is important to note that HB 2002 affects *both* private and public entities that employ first responders. On the private employer side, HB 2002 would impose liability on, for example, hospitals and private ambulance services that employ EMS personnel. On the public sector side, liability would extend to the state, political subdivisions of the state, public higher education institutions, cities, counties, school districts, fire districts, and EMS districts. Consequently, the litigation costs generated by HB 2002 will ultimately be paid by all Texans in the form of higher health care expenses and taxes, or both. Those resources would be much better spent *treating* mental illness, rather than funding lawsuits.

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Please vote AGAINST HB 2002

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