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**HOUSE BILL 1070**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Davis, Low, Peterson, Griffey, Reeves, Tharinger, Street, Nance, Goodman, Ormsby, Scott, Mena, Macri, Volz, Stonier, Alvarado, Fosse, Doglio, Bernbaum, Ryu, and Leavitt

Prefiled 12/13/24.

1       AN    ACT    Relating   to   industrial   insurance   coverage   for  
2 posttraumatic stress disorders affecting correctional facility  
3 workers; amending RCW 51.08.142; adding a new section to chapter  
4 51.32 RCW; and providing an effective date.

5    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       **Sec. 1.**    RCW 51.08.142 and 2023 c 370 s 1 are each amended to  
7 read as follows:

8       (1) Except as provided in subsections (2) and (3) of this  
9 section, the department shall adopt a rule pursuant to chapter 34.05  
10 RCW that claims based on mental conditions or mental disabilities  
11 caused by stress do not fall within the definition of occupational  
12 disease in RCW 51.08.140.

13       (2)(a) Except as provided in (b) and (c) of this subsection, the  
14 rule adopted under subsection (1) of this section shall not apply to  
15 occupational disease claims resulting from posttraumatic stress  
16 disorders of firefighters as defined in RCW 41.26.030(17) (a), (b),  
17 (c), and (h) and firefighters, including supervisors, employed on a  
18 full-time, fully compensated basis as a firefighter of a private  
19 sector employer's fire department that includes over fifty such  
20 firefighters, and law enforcement officers as defined in RCW

1 41.26.030(19) (b), (c), and (e), and public safety telecommunicators  
2 who receive calls for assistance and dispatch emergency services.

3 (b) For firefighters as defined in RCW 41.26.030(17) (a), (b),  
4 (c), and (h) and firefighters, including supervisors, employed on a  
5 full-time, fully compensated basis as a firefighter of a private  
6 sector employer's fire department that includes over fifty such  
7 firefighters, and law enforcement officers as defined in RCW  
8 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public  
9 safety telecommunicators hired after June 11, 2020, (a) of this  
10 subsection only applies if the firefighter or law enforcement officer  
11 or public safety telecommunicators, as a condition of employment, has  
12 submitted to a psychological examination administered by a  
13 psychiatrist licensed in the state of Washington under chapter 18.71  
14 RCW or a psychologist licensed in the state of Washington under  
15 chapter 18.83 RCW that ruled out the presence of posttraumatic stress  
16 disorder from preemployment exposures. If the employer does not  
17 provide the psychological examination, (a) of this subsection  
18 applies.

19 (c) Posttraumatic stress disorder for purposes of this subsection  
20 and subsection(~~(s—(2)—and)~~) (3) of this section is not considered an  
21 occupational disease if the disorder is directly attributed to  
22 disciplinary action, work evaluation, job transfer, layoff, demotion,  
23 termination, or similar action taken in good faith by an employer.

24 (d) "Public safety telecommunicators" means individuals who  
25 receive and respond to telephone or other electronic requests for  
26 emergency assistance, such as law enforcement, fire, and medical  
27 services, and dispatch appropriate emergency responders.

28 (3)(a) Except as provided in this subsection, the rule adopted  
29 under subsection (1) of this section shall not apply to occupational  
30 disease claims resulting from posttraumatic stress disorders of  
31 direct care registered nurses (~~(as defined in RCW 51.32.395)~~) and  
32 correctional facility workers.

33 (b) The limitation in subsection (2)(c) of this section also  
34 applies to this subsection (3).

35 (c) This subsection (3) applies only to a direct care registered  
36 nurse or a correctional facility worker who has posttraumatic stress  
37 disorder that develops or manifests itself after the individual has  
38 been employed on a fully compensated basis as a direct care  
39 registered nurse or a correctional facility worker in Washington  
40 state for at least 90 consecutive days.

1 (d) For purposes of this subsection, the following definitions  
2 apply:

3 (i) "Direct care registered nurse" means a direct care registered  
4 nurse as defined in RCW 51.32.395.

5 (ii) "Correctional facility worker" means a correctional facility  
6 worker as defined in section 2 of this act.

7 NEW SECTION. Sec. 2. A new section is added to chapter 51.32  
8 RCW to read as follows:

9 (1) In the case of correctional facility workers covered under  
10 this title who are employed on a fully compensated basis, there  
11 exists a prima facie presumption that posttraumatic stress disorder  
12 is an occupational disease under RCW 51.08.140. This section applies  
13 only to a correctional facility worker who has posttraumatic stress  
14 disorder that develops or manifests itself after the individual has  
15 been employed on a fully compensated basis as a correctional facility  
16 worker in Washington state for at least 90 consecutive days.

17 (2) The presumption may be rebutted by a preponderance of the  
18 evidence.

19 (3) The presumption extends to a claimant following termination  
20 of employment for a period of three calendar months for each year the  
21 claimant was a correctional facility worker employed on a fully  
22 compensated basis, but may not extend more than 60 months following  
23 the last date of employment.

24 (4)(a) When a determination involving the presumption established  
25 under this section is appealed to the board of industrial insurance  
26 appeals and the final decision allows the claim for benefits, the  
27 board of industrial insurance appeals shall order that all reasonable  
28 costs of the appeal, including attorneys' fees and witness fees, be  
29 paid to the claimant or the claimant's beneficiary by the opposing  
30 party.

31 (b) When determination involving the presumption established  
32 under this section is appealed to any court and the final decision  
33 allows the claim for benefits, the court shall order that all  
34 reasonable costs of the appeal, including attorneys' fees and witness  
35 fees, be paid to the claimant or his or her beneficiary by the  
36 opposing party.

37 (c) When reasonable costs of the appeal must be paid by the  
38 department under this section in a state fund case, the costs must be  
39 paid from the accident fund and charged to the costs of the claim.

1           (5) For purposes of this section, "correctional facility worker"  
2 means an individual working at a correctional facility as defined in  
3 RCW 72.09.015.

4           NEW SECTION.   **Sec. 3.** This act takes effect January 1, 2026.

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