
**Labor & Workplace Standards
Committee**

HB 2031

Brief Description: Recognizing posttraumatic stress disorder as an occupational disease for county coroners, examiners, and investigative personnel.

Sponsors: Representatives Abbarno, Berry, Rude, Reed, Graham, Timmons, Donaghy, Fosse, Doglio, Riccelli and Reeves.

Brief Summary of Bill

- Allows workers' compensation occupational disease claims based on mental conditions resulting from posttraumatic stress disorder for county coroners and medical examiner personnel.

Hearing Date: 1/12/24

Staff: Trudes Tango (786-7384).

Background:

Workers' Compensation Coverage for Mental Health Conditions.

Under the state's industrial insurance program (workers' compensation), administered by the Department of Labor and Industries (Department), a worker who, in the course of employment, is injured or suffers disability from an occupational disease, is entitled to certain benefits.

The Department was required to adopt a rule establishing that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease. Examples in the rule of conditions caused by stress that do not fall within occupational disease include, among other things, those conditions resulting from: (a) changes in employment duties; (b) conflicts with a supervisor or relationships with coworkers or the public; (c) workload

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pressures; (d) subjective perceptions of employment conditions or environment; and (e) fear of exposure to chemicals, radiation biohazards, or other perceived hazards.

Stress resulting from exposure to a single traumatic event, such as actual or threatened death, actual or threatened physical assault, actual or threatened sexual assault, and life-threatening traumatic injury, may be considered an industrial injury. The worker must have been exposed to the event either by: (1) directly experiencing the event; (2) witnessing, in person, the event as it occurred to others; or (3) extreme exposure to aversive details of the event. Repeated exposure to traumatic events, none of which are a single traumatic event, is not an industrial injury or an occupational disease. However, a single traumatic event that occurs within a series of exposures may be considered an industrial injury.

Exceptions to the Rule.

The Department's rule does not apply to occupational disease claims resulting from posttraumatic stress disorders (PTSD) of certain firefighters, law enforcement officers, certain public safety telecommunicators, and direct care registered nurses. For those workers, there is a rebuttable presumption that PTSD is an occupational disease if certain conditions are met. In addition to other conditions that must be met, first responders hired after a certain date, must have submitted to a psychological examination that ruled out the presence of PTSD from preemployment exposures.

The worker's PTSD is not considered an occupational disease if it is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

County Coroners and Medical Examiners.

In general, most counties have either an elected coroner or an appointed medical examiner, which administers the investigatory and medical side of certain death investigations in their jurisdiction. The medical examiner or the coroner's office employs certified forensic pathologists to conduct autopsies and investigators to conduct scene investigations and assist law enforcement. The types of deaths under the jurisdiction of the county coroner or medical examiner include, for example, violent, sudden, or unusual deaths, suicides, homicides, and deaths of unidentified individuals.

Summary of Bill:

The Department rule that claims based on mental conditions or mental disabilities caused by stress do not constitute an occupational disease does not apply to claims resulting from PTSD of county coroners and medical examiner personnel. For county coroners and medical examiner personnel hired after January 1, 2025, the exception applies if the employee, as a condition of employment, submitted to a psychological exam that ruled out the presence of PTSD from preemployment exposures. The exception to the rule applies if the employer does not provide such an exam.

Posttraumatic stress disorder is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

"County coroner and medical examiner personnel" means individuals who respond to, investigate, handle evidence, or conduct autopsies for cases under the jurisdiction of a county coroner or medical examiner.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.