

WSR 23-08-063
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 4, 2023, 8:29 a.m., effective May 5, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this rule making is to clearly explain when a presumption for posttraumatic stress disorder (PTSD) exists for certain firefighters, law enforcement officers, and emergency medical technicians. This rule also explains the addition of telecommunicators to the list of those who can file an occupational disease claim for PTSD; however, it is not presumptively caused by their work.

Citation of Rules Affected by this Order: Amending WAC 296-14-300.

Statutory Authority for Adoption: RCW 51.04.020.

Other Authority: RCW 51.08.142 and 51.32.185.

Adopted under notice filed as WSR 22-23-145 on November 22, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 4, 2023.

Joel Sacks
Director

OTS-4168.3

AMENDATORY SECTION (Amending WSR 15-19-139, filed 9/22/15, effective 10/23/15)

WAC 296-14-300 Mental condition/mental disabilities. (1) Claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of an occupational disease (~~in RCW 51.08.140~~).

Examples of mental conditions or mental disabilities caused by stress that do not fall within occupational disease shall include, but are not limited to, those conditions and disabilities resulting from:

- (a) Change of employment duties;
- (b) Conflicts with a supervisor;
- (c) Actual or perceived threat of loss of a job, demotion, or disciplinary action;
- (d) Relationships with supervisors, coworkers, or the public;
- (e) Specific or general job dissatisfaction;

- (f) Work load pressures;
 - (g) Subjective perceptions of employment conditions or environment;
 - (h) Loss of job or demotion for whatever reason;
 - (i) Fear of exposure to chemicals, radiation biohazards, or other perceived hazards;
 - (j) Objective or subjective stresses of employment;
 - (k) Personnel decisions;
 - (l) Actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.
- (2) (a) Stress resulting from exposure to a single traumatic event will be adjudicated as an industrial injury. See RCW 51.08.100.
- (b) Examples of single traumatic events include: Actual or threatened death, actual or threatened physical assault, actual or threatened sexual assault, and life-threatening traumatic injury.
- (c) These exposures must occur in one of the following ways:
- (i) Directly experiencing the traumatic event;
 - (ii) Witnessing, in person, the event as it occurred to others;
- or
- (iii) Extreme exposure to aversive details of the traumatic event.
- (d) Repeated exposure to traumatic events, none of which are a single traumatic event as defined in subsection (2) (b) and (c) of this section, is not an industrial injury (see RCW 51.08.100) or an occupational disease (see RCW 51.08.142). A single traumatic event as defined in subsection (2) (b) and (c) of this section that occurs within a series of exposures will be adjudicated as an industrial injury (see RCW 51.08.100).
- (3) For certain firefighters and law enforcement officers, there is a presumption that posttraumatic stress disorder (PTSD) is an occupational disease as provided by RCW 51.08.142 and 51.32.185.
- (4) For public safety telecommunicators, PTSD may be considered an occupational disease as provided by RCW 51.08.142.
- (5) Mental conditions or mental disabilities that specify pain primarily as a psychiatric symptom (e.g., somatic symptom disorder, with predominant pain), or that are characterized by excessive or abnormal thoughts, feelings, behaviors or neurological symptoms (e.g., conversion disorder, factitious disorder) are not clinically related to occupational exposure.

[Statutory Authority: RCW 51.04.020, 51.04.030, and 51.08.142. WSR 15-19-139, § 296-14-300, filed 9/22/15, effective 10/23/15. Statutory Authority: Chapters 51.08 and 51.32 RCW. WSR 88-14-011 (Order 88-13), § 296-14-300, filed 6/24/88.]