
**Labor & Workplace Standards
Committee**

HB 1655

Brief Description: Providing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system.

Sponsors: Representatives Lovick, Holy, Griffey, Hayes, Sells, Doglio, Stokesbary, Frame, Irwin, Fitzgibbon, Pike, Fey, Goodman, Pollet and Stanford.

Brief Summary of Bill

- Provides that the exclusion for stress-caused mental conditions or disabilities from industrial insurance occupational disease does not apply to members of the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF).
- Adds posttraumatic stress disorder to the medical conditions that are presumptive occupational diseases for certain law enforcement officers, firefighters, and emergency medical technicians.

Hearing Date: 2/9/17

Staff: Joan Elgee (786-7106).

Background:

Under the state's industrial insurance laws, a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain benefits. An "occupational disease" is one that arises naturally and proximately out of employment. Claims based on mental conditions or mental disabilities caused by stress are specifically excluded. Rules adopted by the Department of Labor and Industries provide examples of excluded conditions, including:

- conditions or disabilities resulting from relationship with supervisors, coworkers, or the public;

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- work load pressures;
- fear of exposure to hazards; or
- objective or subjective stresses of employment.

In contrast, stress resulting from exposure to a single traumatic event, such as actual or threatened death, assault, or life-threatening injury, may constitute an industrial injury. The exposure may be from directly experiencing the event, witnessing it, or having extreme exposure to aversive details of the traumatic event.

The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) provides payment of death, disability, and retirement benefits to law enforcement officers and firefighters. "Law enforcement officer" includes full-time commissioned county sheriffs, deputy sheriffs, and city police. "Firefighter" includes full-time city and county firefighters, city and county firefighter supervisory personnel, and full-time city and county emergency medical technicians (EMTs).

For firefighters who are members of LEOFF (but not EMTs) and some private sector firefighters, there is a presumption that certain medical conditions are occupational diseases. Those conditions are: respiratory disease; certain heart problems; specified cancers; and certain infectious diseases. The presumption of occupational disease may be rebutted by a preponderance of evidence, including: use of tobacco products; physical fitness and weight; lifestyle; hereditary factors; and exposure from other employment or non-employment activities. In addition, the presumption does not apply to a firefighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use.

According to the National Institute of Mental Health, posttraumatic stress disorder (PTSD) develops in some people who have experienced a shocking, scary, or dangerous event. To be diagnosed with PTSD, an adult must have all of the following for at least 1 month:

- at least one re-experiencing symptom, such as flashbacks;
- at least one avoidance symptom, such as staying away from places that are reminders;
- at least two arousal and reactivity symptoms, such as difficulty sleeping and being easily startled; and
- at least two cognition and mood symptoms, such as negative thoughts, and distorted feelings of blame.

Summary of Bill:

For purposes of industrial insurance occupational disease claims, the exclusion for mental conditions or disabilities caused by stress does not apply to members of LEOFF.

PTSD is added to the medical conditions that are presumptive occupational diseases. The presumption applies generally to law enforcement officers who are members of LEOFF, firefighters who are entitled to the occupational disease presumption, and EMTs who are members of LEOFF.

Appropriation: None.

Fiscal Note: Requested on February 1, 2017.

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