

FINAL BILL REPORT

SSB 6214

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Synopsis as Enacted

Brief Description: Allowing industrial insurance coverage for posttraumatic stress disorders affecting law enforcement officers and firefighters.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Conway, Hobbs, Keiser, Van De Wege, Palumbo, Hasegawa, Rolfes, Ranker, Mullet, Saldaña, Kuderer and Wellman).

Senate Committee on Labor & Commerce
House Committee on Labor & Workplace Standards
House Committee on Appropriations

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.

The law provides that the Department of Labor and Industries (L&I) must adopt a rule that claims based on mental conditions or mental disabilities caused by stress are specifically excluded from the definition of an occupational disease. The L&I rule provides that these stress-caused mental conditions or disabilities claims do not fall within the definition of an occupational disease. Examples in the rule of mental conditions or mental disabilities caused by stress that do not fall within occupational disease include those conditions and disabilities resulting from:

- change of employment duties;
- conflicts with a supervisor;
- actual or perceived threat of loss of a job, demotion, or disciplinary action;
- relationships with supervisors, coworkers, or the public;
- specific or general job dissatisfaction;
- work load pressures;
- subjective perceptions of employment conditions or environment;
- loss of job or demotion for whatever reason;
- fear of exposure to chemicals, radiation biohazards, or other perceived hazards;
- objective or subjective stresses of employment;
- personnel decisions; or
- actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under this rule, 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. These exposures must occur in one of the following ways:

- directly experiencing the event;
- witnessing, in person, the event as it occurred to others; or
- 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. A single traumatic event that occurs within a series of exposures may be considered an industrial injury.

The LEOFF retirement plan provides payment of death, disability, and retirement benefits to law enforcement officers and firefighters. The term law enforcement officer generally includes full-time commissioned county sheriffs, deputy sheriffs, and city police. The term firefighter generally includes full-time city and county firefighters, city and county firefighter supervisory personnel, and full-time city and county emergency medical technicians.

Summary: The L&I rule that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease does not apply to occupational disease claims resulting from PTSD of certain firefighters, EMTs, and law enforcement officers. As a condition to the exemption, individuals hired after the effective date must submit to a psychological exam that rules out PTSD, except when the employer does not provide the exam. An occupational disease of PTSD does not apply if the disorder is directly related to disciplinary action, work evaluation, job transfer, layoff, demotion, or termination taken in good faith by an employer.

A prima facie rebuttable presumption exists that PTSD is an occupational disease for those firefighters, EMTs, and law enforcement officers. For the presumption to apply, the PTSD must develop after the individual has served at least ten years. If the employer does not provide a psychological exam for individuals hired after the effective date, the presumption applies.

PTSD means a disorder that meets the diagnostic criteria for post-traumatic stress specified by the American Psychiatric Association in the *Diagnostic and Statistics Manual of Mental Disorders, Fifth Edition*, or in a later edition as adopted L&I rule.

Votes on Final Passage:

Senate	47	0
House	91	7

Effective: June 7, 2018