H-3858.2

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**HOUSE BILL 2758**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Corry, Pettigrew, Chandler, Davis, Eslick, McCaslin, Dent, Morgan, Gildon, Lekanoff, and Pollet

AN ACT Relating to recognizing posttraumatic stress disorders of 911 emergency dispatch personnel; and amending RCW 51.08.142.

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

**Sec.**  RCW 51.08.142 and 2018 c 264 s 2 are each amended to read as follows:

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

(2)(a) Except as provided in (b) and (c) of this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of firefighters as defined in RCW 41.26.030((~~(16)~~)) (17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030((~~(18)~~)) (19) (b), (c), and (e), and 911 emergency dispatch personnel who receive calls for assistance and dispatch emergency services.

(b) For firefighters as defined in RCW 41.26.030((~~(16)~~)) (17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030((~~(18)~~)) (19) (b), (c), and (e) hired after June 7, 2018, and 911 emergency dispatch personnel hired after the effective date of this section, (a) of this subsection only applies if the firefighter or law enforcement officer or 911 emergency dispatch personnel, as a condition of employment, has submitted to a psychological examination administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of posttraumatic stress disorder from preemployment exposures. If the employer does not provide the psychological examination, (a) of this subsection applies.

(c) Posttraumatic stress disorder for purposes of this subsection (2) 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.

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