

HOUSE BILL REPORT

HB 2031

As Passed House:

February 8, 2024

Title: An act relating to recognizing posttraumatic stress disorder as an occupational disease for county coroners, examiners, and investigative personnel.

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 History:

Committee Activity:

Labor & Workplace Standards: 1/12/24, 1/19/24 [DP].

Floor Activity:

Passed House: 2/8/24, 97-0.

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.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Schmidt, Ranking Minority Member; Bronoske, Doglio, Ormsby, Ortiz-Self, Rude and Ybarra.

Staff: Trudes Tango (786-7384).

Background:

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

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 constitute an occupational disease include, among other things, those conditions resulting from: (1) changes in employment duties; (2) conflicts with a supervisor or relationships with coworkers or the public; (3) workload pressures; (4) subjective perceptions of employment conditions or environment; and (5) 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 under certain circumstances.

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. 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 to administer 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's rule providing 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" is defined as 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: Available.

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

Staff Summary of Public Testimony:

(In support) Coroners respond to death investigations, work along side law enforcement, and see the worst of the worst. Coroners and medical examiners are like first responders. They experience things in their workplace that most people do not. Coroners should be able to get the medical help they need so they can return to their jobs. Burnout is a real issue and these personnel need support. There is a big turn-over rate for death investigators.

(Opposed) These claims will increase costs and workers' compensation premiums have already been increased this year. There continues to be added burdens and higher costs on employers.

(Other) There has been a continuous expansion of the occupational disease claim provision for PTSD. These types of mental stress claims are some of the most expensive claims and can last an average of \$600,000, not including pension cases. These are legitimate concerns, but there is an issue about overstressing the fund.

Persons Testifying: (In support) Representative Peter Abbarno, prime sponsor; Timothy Grisham, Washington Association of County Officials; James Curtice, Yakima County; Robert Karinen, Snohomish County; Jeff Wallis, Kitsap County Medical Examiner's Office; and Dana Tucker, Cowlitz County.

(Opposed) Patrick Connor, National Federation of Independent Business.

(Other) Robert Battles, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.