
**Labor & Workplace Standards
Committee**

HB 1002

Brief Description: Recognizing posttraumatic stress disorder as an occupational disease for county coroners, examiners, and investigative personnel.

Sponsors: Representatives Abbarno, Rude, Marshall, Callan, Doglio, Timmons, Goodman, Pollet, Davis and Scott.

Brief Summary of Bill

- Allows workers' compensation occupational disease claims based on mental conditions from posttraumatic stress disorder for county coroners and medical examiner personnel, with conditions for coroners and examiners hired after January 1, 2026.

Hearing Date: 1/17/25

Staff: Benjamin McCarthy (786-7116).

Background:

Mental Health Claims Under the Workers' Compensation Program.

Under Washington's industrial insurance program (workers' compensation), a worker who is injured or suffers a disability from an occupational disease in the course of employment, is entitled to certain benefits. An occupational disease is a disease or infection that arises naturally and proximately out of employment.

The Department of Labor and Industries (Department), which administers the workers' compensation program, was required to adopt a rule establishing that mental conditions or

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mental disabilities caused by stress do not fall within the definition of occupational disease, and thus, are not the basis for workers' compensation claims.

The Department's rule gives examples of mental conditions and mental disabilities caused by stress that are not occupational diseases, including those caused by: (a) changes in employment duties; (b) conflicts with a supervisor or relationships with coworkers or the public; (c) workload pressures; (d) subjective perceptions of employment conditions or environment; and (e) fear of exposure to chemicals, radiation biohazards, or other perceived hazards.

However, stress resulting from exposure to a single traumatic event may be considered an injury in the course of employment, and thus, a basis for a workers' compensation claim. To constitute a single traumatic event, the worker must have been exposed to the event by: (1) directly experiencing the event; (2) witnessing, in person, the event as it occurred to others; or (3) extreme exposure to aversive details of the event. Examples of traumatic events that could constitute a single traumatic event are actual or threatened death, actual or threatened physical assault, actual or threatened sexual assault, and life-threatening traumatic injury. Repeated exposure to traumatic events, none of which is a single traumatic event, is not an injury or occupational disease.

Exception to the Department's Rule for Posttraumatic Stress Disorder Claims by Certain Type of Employees.

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 the exception to apply, first responders hired after certain dates must have submitted to a psychological examination that ruled out the presence of PTSD from preemployment exposures. If an employer does not provide the psychological examination, the exception applies.

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.

Most counties have either an elected coroner or an appointed medical examiner who administers the investigatory and medical side of certain death investigations in the jurisdiction. The coroner or medical examiner's office employ 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 the deaths of unidentified individuals.

Summary of Bill:

The Department's rule that mental health conditions or mental disabilities caused by stress are not occupational diseases does not apply to claims resulting from PTSD for county coroners and medical examiner personnel. For county coroners and medical examiner personnel hired after January 1, 2026, the exception to the rule only applies if, as a condition of employment, the coroner or medical examiner personnel submitted to a psychological examination that ruled out preemployment exposure. If the employer does not provide an examination, the Department's rule does not apply.

County coroner and medical examiner personnel are 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: Preliminary fiscal note available.

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