

HOUSE BILL REPORT

HB 1002

As Reported by House Committee On:
Labor & Workplace Standards

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, Rude, Marshall, Callan, Doglio, Timmons, Goodman, Pollet, Davis and Scott.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/17/25, 1/31/25 [DP].

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.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 7 members: Representatives Berry, Chair; Fosse, Vice Chair; Scott, Vice Chair; Ybarra, Assistant Ranking Minority Member; Bronoske, Obras and Ortiz-Self.

Minority Report: Without recommendation. Signed by 2 members: Representatives Schmidt, Ranking Minority Member; McEntire.

Staff: Benjamin McCarthy (786-7116).

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.

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 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 of Labor and Industries' 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.

Generally, for the exception to apply, first responders hired after certain dates must have submitted at the time of hire to an employer-provided psychological examination that ruled out the presence of PTSD from preemployment exposures. But if an employer did not provide the psychological examination at the time of hire, the exception applies.

A 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 examiners' 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 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: 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) Many first responders are allowed to make posttraumatic stress disorder (PTSD) workers' compensation claims. Coroners and medical examiners respond to the same types of calls and are repeatedly exposed to uniquely horrific events: house fires, gun violence, suicides, and the death of children. These workers are public servants who have dedicated themselves to important work, they deserve support if they develop PTSD.

There are unique aspects of the job that warrant compensation for PTSD. In small communities, these workers can be responding to the deaths of friends and neighbors. They

have to follow-up with the families of people who have died for long periods after the death, repeatedly exposing them to grief and suffering.

The cost of PTSD claims does not lessen the importance of coroners and medical examiners being able to access them. The number of coroners and medical examiner personnel is small and there are other ways to save money besides excluding them. Work is being done to prevent coroners and medical examiner personnel from developing PTSD. Pre-incident trainings and debriefings can help, but workers who develop PTSD deserve help.

(Opposed) The cost of medical treatment is \$650,000 per claim. Pension claims can be over \$1 million each. The rate classification for workers with PTSD exception has increased 30 percent in one year. This cost was socialized because the Department of Labor and Industries pulled from the reserves. The system cannot handle these claims. More needs to be done to prevent PTSD on the front end. Allowing these claims addresses the issue too late.

(Other) The rise in the long-term disability rate is concerning. Workers who are being put on permanent disability prematurely. It would be better to allow structured settlement. The cost of these claims is unsustainable for the workers' compensation program. Other employers and employees are having to subsidize the cost of these claims for the workers who already have this exception, which is unfair.

Persons Testifying: (In support) Representative Peter Abbarno, prime sponsor; Timothy Grisham, Washington Association of County Officials; Annie Pillers, Washington Association of Coroners and Medical Examiners; Warren McLeod, Lewis County Coroner's Office; Doug Palmer, Washington State Association for Justice; and Barry Peterson, AFSCME Council 2.

(Opposed) Patrick Connor, NFIB.

(Other) Rose Gundersen, WA Retail Association.

Persons Signed In To Testify But Not Testifying: None.