
SUBSTITUTE SENATE BILL 5043

State of Washington

69th Legislature

2025 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Dhingra, Nobles, Conway, MacEwen, Saldaña, Lovick, Salomon, Stanford, Wagoner, J. Wilson, Shewmake, Trudeau, Valdez, Bateman, Lias, Chapman, Lovelett, Cleveland, Frame, Hasegawa, Orwall, Slatter, Wellman, and C. Wilson)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to industrial insurance coverage for
2 posttraumatic stress disorders affecting correctional facility
3 workers; amending RCW 51.08.142; adding a new section to chapter
4 51.32 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 51.08.142 and 2023 c 370 s 1 are each amended to
7 read as follows:

8 (1) Except as provided in subsections (2) and (3) of this
9 section, the department shall adopt a rule pursuant to chapter 34.05
10 RCW that claims based on mental conditions or mental disabilities
11 caused by stress do not fall within the definition of occupational
12 disease in RCW 51.08.140.

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

1 41.26.030(19) (b), (c), and (e), and public safety telecommunicators
2 who receive calls for assistance and dispatch emergency services.

3 (b) For firefighters as defined in RCW 41.26.030(17) (a), (b),
4 (c), and (h) and firefighters, including supervisors, employed on a
5 full-time, fully compensated basis as a firefighter of a private
6 sector employer's fire department that includes over fifty such
7 firefighters, and law enforcement officers as defined in RCW
8 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public
9 safety telecommunicators hired after June 11, 2020, (a) of this
10 subsection only applies if the firefighter or law enforcement officer
11 or public safety telecommunicators, as a condition of employment, has
12 submitted to a psychological examination administered by a
13 psychiatrist licensed in the state of Washington under chapter 18.71
14 RCW or a psychologist licensed in the state of Washington under
15 chapter 18.83 RCW that ruled out the presence of posttraumatic stress
16 disorder from preemployment exposures. If the employer does not
17 provide the psychological examination, (a) of this subsection
18 applies.

19 (c) Posttraumatic stress disorder for purposes of this subsection
20 and subsection(~~(s—(2)—and)~~) (3) of this section is not considered an
21 occupational disease if the disorder is directly attributed to
22 disciplinary action, work evaluation, job transfer, layoff, demotion,
23 termination, or similar action taken in good faith by an employer.

24 (d) "Public safety telecommunicators" means individuals who
25 receive and respond to telephone or other electronic requests for
26 emergency assistance, such as law enforcement, fire, and medical
27 services, and dispatch appropriate emergency responders.

28 (3)(a) Except as provided in this subsection, the rule adopted
29 under subsection (1) of this section shall not apply to occupational
30 disease claims resulting from posttraumatic stress disorders of
31 direct care registered nurses (~~(as defined in RCW 51.32.395)~~) and
32 correctional facility workers.

33 (b) The limitation in subsection (2)(c) of this section also
34 applies to this subsection (3).

35 (c) This subsection (3) applies only to a direct care registered
36 nurse or a correctional facility worker who has posttraumatic stress
37 disorder that develops or manifests itself after the individual has
38 been employed on a fully compensated basis as a direct care
39 registered nurse or a correctional facility worker in Washington
40 state for at least 90 consecutive days.

1 (d) For purposes of this subsection, the following definitions
2 apply:

3 (i) "Direct care registered nurse" means a direct care registered
4 nurse as defined in RCW 51.32.395.

5 (ii) "Correctional facility worker" means a correctional facility
6 worker as defined in section 2 of this act.

7 NEW SECTION. Sec. 2. A new section is added to chapter 51.32
8 RCW to read as follows:

9 (1) In the case of correctional facility workers covered under
10 this title who are employed on a fully compensated basis, there
11 exists a prima facie presumption that posttraumatic stress disorder
12 is an occupational disease under RCW 51.08.140. This section applies
13 only to a correctional facility worker who has posttraumatic stress
14 disorder that develops or manifests itself after the individual has
15 been employed on a fully compensated basis as a correctional facility
16 worker in Washington state for at least 90 consecutive days.

17 (2) The presumption may be rebutted by a preponderance of the
18 evidence.

19 (3) The presumption extends to a claimant following termination
20 of employment for a period of three calendar months for each year the
21 claimant was a correctional facility worker employed on a fully
22 compensated basis, but may not extend more than 60 months following
23 the last date of employment.

24 (4)(a) When a determination involving the presumption established
25 under this section is appealed to the board of industrial insurance
26 appeals and the final decision allows the claim for benefits, the
27 board of industrial insurance appeals shall order that all reasonable
28 costs of the appeal, including attorneys' fees and witness fees, be
29 paid to the claimant or the claimant's beneficiary by the opposing
30 party.

31 (b) When determination involving the presumption established
32 under this section is appealed to any court and the final decision
33 allows the claim for benefits, the court shall order that all
34 reasonable costs of the appeal, including attorneys' fees and witness
35 fees, be paid to the claimant or his or her beneficiary by the
36 opposing party.

37 (c) When reasonable costs of the appeal must be paid by the
38 department under this section in a state fund case, the costs must be
39 paid from the accident fund and charged to the costs of the claim.

1 (5) For purposes of this section, "correctional facility worker"
2 means an employee of the department of corrections working at a
3 correctional facility as defined in RCW 72.09.015, where persons
4 sentenced to the jurisdiction of the department of corrections are in
5 total confinement. "Correctional facility" under this section does
6 not include any facility or institution operated by contract by the
7 secretary of the department of corrections.

8 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2026.

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