

**WSR 22-15-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 19, 2022, 8:33 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.08.142, 51.32.185.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2018, the Washington state legislature passed SSB 6214, chapter 264, Laws of 2018. SSB 6214, amending RCW 51.32.185, established post-traumatic stress disorder (PTSD) as a presumption of occupational disease for certain firefighters, law enforcement officers, and emergency medical technicians covered under workers' compensation laws. SSB 6214 also updated the definition of occupational disease to exclude mental health conditions other than those identified in RCW 51.32.185 regarding PTSD. The legislature subsequently passed SHB 2758, chapter 234, Laws of 2020. SHB 2758 added public safety telecommunications as an occupation that could identify PTSD as an occupational disease for workers' compensation claims, but did not make PTSD a presumption for those telecommunications.

Rule making is necessary to explain clearly when a presumption exists for the groups identified in both SSB 6214 and SHB 2758, and when a presumption does not exist what must occur to meet the definition of occupational disease. SSB 6214 also requires L&I to adopt rules implementing this distinction.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jordan Ely, Department of Labor and Industries, Insurance Services/Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-4616, fax 360-902-5029, TTY 360-902-4252, email Jordan.ely@Lni.wa.gov.

July 19, 2022  
Joel Sacks  
Director