

# SENATE BILL REPORT

## HB 2031

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As of February 16, 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:** Passed House: 2/8/24, 97-0.

**Committee Activity:** Labor & Commerce: 2/19/24.

### Brief Summary of Bill

- Allows workers' compensation occupational disease claims based on mental conditions resulting from post-traumatic stress disorder for county coroners and medical examiner personnel.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Staff:** Susan Jones (786-7404)

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

The Department of Labor and Industries (L&I) was required to adopt a rule that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease.

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*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.*

The L&I rule provides that these stress-caused mental conditions or disabilities claims do not fall within the definition of an occupational disease. Examples in the rule of mental conditions or mental disabilities caused by stress that do not fall within occupational disease include those conditions and disabilities resulting from:

- change of employment duties;
- conflicts with a supervisor;
- actual or perceived threat of loss of a job, demotion, or disciplinary action;
- relationships with supervisors, coworkers, or the public;
- specific or general job dissatisfaction;
- work load pressures;
- subjective perceptions of employment conditions or environment;
- loss of job or demotion for whatever reason;
- fear of exposure to chemicals, radiation biohazards, or other perceived hazards;
- objective or subjective stresses of employment;
- personnel decisions; or
- actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.

Under this rule, 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. These exposures must occur in one of the following ways:

- directly experiencing the event;
- witnessing, in person, the event as it occurred to others; or
- extreme exposure to aversive details of the event.

Repeated exposure to traumatic events, none of which are a single traumatic event is not an industrial injury or an occupational disease. A single traumatic event that occurs within a series of exposures may be considered an industrial injury.

Exceptions to the Rule. L&I's rule does not apply to occupational disease claims resulting from post-traumatic stress disorders (PTSD) of certain firefighters, law enforcement officers, public safety telecommunicators, and direct care registered nurses. First responders hired after a certain date, must have submitted to a psychological examination that ruled out the presence of PTSD from preemployment exposures.

PTSD 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.

PTSD means a disorder that meets the diagnostic criteria for post-traumatic stress specified by the American Psychiatric Association in the *Diagnostic and Statistics Manual of Mental Disorders, fifth edition*, or in a later edition as adopted by L&I in rule.

Presumption for Post-Traumatic Stress Disorder. For certain firefighters, law enforcement officers, and direct care registered nurses there is a presumption that PTSD is an occupational disease if certain conditions are met.

**Summary of Bill:** L&I'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.

PTSD 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 means 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.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.