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HOUSE BILL 2031

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State of Washington

68th Legislature

2024 Regular Session

By Representative Abbarno

Prefiled 12/22/23.

1 AN ACT Relating to recognizing posttraumatic stress disorder as  
2 an occupational disease for county coroners, examiners, and  
3 investigative personnel; and amending RCW 51.08.142.

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

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

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

12 (2)(a) Except as provided in (b) and (c) of this subsection, the  
13 rule adopted under subsection (1) of this section shall not apply to  
14 occupational disease claims resulting from posttraumatic stress  
15 disorders of firefighters as defined in RCW 41.26.030(17) (a), (b),  
16 (c), and (h) and firefighters, including supervisors, employed on a  
17 full-time, fully compensated basis as a firefighter of a private  
18 sector employer's fire department that includes over ~~((fifty))~~ 50  
19 such firefighters, ~~((and))~~ law enforcement officers as defined in RCW  
20 41.26.030(19) (b), (c), and (e), ~~((and))~~ public safety  
21 telecommunicators who receive calls for assistance and dispatch

1 emergency services, and county coroners and medical examiner  
2 personnel.

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))~~ 50  
7 such firefighters, ~~((and))~~ law enforcement officers as defined in RCW  
8 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, ~~((and))~~  
9 public safety telecommunicators hired after June 11, 2020, and county  
10 coroners and medical examiner personnel hired after January 1, 2025,  
11 (a) of this subsection only applies if the firefighter ~~((or))~~, law  
12 enforcement officer, ~~((or))~~ public safety telecommunicators, or  
13 county coroner or medical examiner personnel, as a condition of  
14 employment, has submitted to a psychological examination administered  
15 by a psychiatrist licensed in the state of Washington under chapter  
16 18.71 RCW or a psychologist licensed in the state of Washington under  
17 chapter 18.83 RCW that ruled out the presence of posttraumatic stress  
18 disorder from preemployment exposures. If the employer does not  
19 provide the psychological examination, (a) of this subsection  
20 applies.

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

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

31 (e) "County coroner and medical examiner personnel" means  
32 individuals who respond to, investigate, handle evidence, or conduct  
33 autopsies for cases under the jurisdiction of a county coroner or  
34 medical examiner.

35 (3) (a) Except as provided in this subsection, the rule adopted  
36 under subsection (1) of this section shall not apply to occupational  
37 disease claims resulting from posttraumatic stress disorders of  
38 direct care registered nurses as defined in RCW 51.32.395.

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

1           (c) This subsection (3) applies only to a direct care registered  
2 nurse who has posttraumatic stress disorder that develops or  
3 manifests itself after the individual has been employed on a fully  
4 compensated basis as a direct care registered nurse in Washington  
5 state for at least 90 consecutive days.

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