

SENATE BILL REPORT

SB 6214

As of January 23, 2018

Title: An act relating to industrial insurance coverage for posttraumatic stress disorders of members of the law enforcement officers' and firefighters' retirement systems.

Brief Description: Allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement and firefighters.

Sponsors: Senators Conway, Hobbs, Keiser, Van De Wege, Palumbo, Hasegawa, Rolfes, Ranker, Mullet, Saldaña, Kuderer and Wellman.

Brief History:

Committee Activity: Labor & Commerce: 1/15/18, 1/17/18.

Brief Summary of Bill

- Provides a prima facie rebuttable presumption that post-traumatic stress disorder (PTSD) is an occupational disease for certain members of the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF).
- Requires a PTSD screening showing no evidence of PTSD for members hired after the effective date for the presumption to apply.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

Background: Under the state's industrial insurance 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 law provides that the Department of Labor and Industries (L&I) must adopt a rule that claims based on mental conditions or mental disabilities caused by stress are specifically excluded from the definition of an occupational disease. 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

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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.

The LEOFF provides payment of death, disability, and retirement benefits to law enforcement officers and firefighters. The term law enforcement officer generally includes full-time commissioned county sheriffs, deputy sheriffs, and city police. The term firefighter generally includes full-time city and county firefighters, city and county firefighter supervisory personnel, and full-time city and county emergency medical technicians.

Summary of Bill: The L&I rule that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease does not apply to occupational disease claims resulting from PTSD of certain full-time firefighters, emergency medical technicians, and law enforcement officers (LEOFF members).

For those LEOFF members, a prima facie rebuttable presumption exist that PTSD is an occupational disease. However, the presumption only applies for those LEOFF members hired after the effective date of the act, if the member was given a PTSD screening upon becoming a firefighter or law enforcement officer that showed no evidence of PTSD.

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 L&I rule.

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.

Staff Summary of Public Testimony: PRO: The law of Washington State is that firefighters and law enforcement cannot file a claim for PTSD even from repeated exposure to terrible scenes that we know they are suffering from. The American Psychological and Statistics Manual specifically recognizes those people as susceptible to this from repeated exposure. There are prevention programs for firefighters. This is not a matter of if this will happen, but when. Ninety percent of untreated PTSD are going to turn to substance abuse. When do we start giving them help? It is not cost prohibitive because if one family member is sick, the whole family is sick. Science is here.

CON: We deeply care about county employees. It is tough to afford continued new input into the public safety system. There are 13 counties that do not have full-time law enforcement coverage. We have been trying to get additional resources from the Legislature. This is a new input into the cost of the criminal justice system. When there is a new cost, something else has to go away.

These diseases are already covered. The presumption has only happened when there is strong medical evidence. Prior presumptions came after three studies. There should be a group empaneled at L&I to further study the issue.

OTHER: We support many standards to cover PTSD. We are concerned about the presumptive nature. The Legislature should take a deliberative and cautious approach the this issue. These are heavy policy choices.

Persons Testifying: PRO: Michael White, Washington Council of Firefighters; Bud Sizemore, Washington Council of Police & Sheriffs; Sean Riley, Safe Call Now.

CON: Eric Johnson, Washington State Association of Counties.

OTHER: Logan Bahr, Association of Washington Cities; Chris Tefft, Washington Self Insurers' Association; Bob Battles, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: No one.