
SECOND SUBSTITUTE SENATE BILL 5454

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Cleveland, Robinson, King, Keiser, Van De Wege, Conway, Kuderer, Llias, Nguyen, Shewmake, Stanford, and Valdez)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to industrial insurance coverage for
2 posttraumatic stress disorders affecting registered nurses; amending
3 RCW 51.08.142; and providing an effective date.

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

5 **Sec. 1.** RCW 51.08.142 and 2020 c 234 s 1 are each amended to
6 read as follows:

7 (1) Except as provided in (~~subsection~~) subsections (2) and (3)
8 of this section, the department shall adopt a rule pursuant to
9 chapter 34.05 RCW that claims based on mental conditions or mental
10 disabilities caused by stress do not fall within the definition of
11 occupational 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 such
19 firefighters, and law enforcement officers as defined in RCW
20 41.26.030(19) (b), (c), and (e), and public safety telecommunicators
21 who receive calls for assistance and dispatch emergency services.

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

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

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

27 (3)(a) Except as provided in this subsection, the rule adopted
28 under subsection (1) of this section shall not apply to occupational
29 disease claims resulting from posttraumatic stress disorders of
30 direct care registered nurses.

31 (b) This subsection (3) only applies to a direct care registered
32 nurse who has posttraumatic stress disorder that develops or
33 manifests itself after the individual has been employed on a fully
34 compensated basis as a direct care registered nurse in Washington
35 state for at least 90 consecutive days. The limitation in subsection
36 (2)(c) of this section also applies to this subsection (3).

37 (c) For purposes of this section, "direct care registered nurse"
38 means an individual licensed as a nurse under chapter 18.79 RCW who
39 provides direct care to patients.

1 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2024.

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