

Multiple Agency Fiscal Note Summary

Bill Number: 2031 HB	Title: Recognizing PTSD as an occupational disease for cornors, examiners, and investigative personnel
-----------------------------	---

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Board of Industrial Insurance Appeals	Fiscal note not available											
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Actuarial Fiscal Note - State Actuary	Fiscal note not available											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Board of Industrial Insurance Appeals	Fiscal note not available								
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Actuarial Fiscal Note - State Actuary	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

Prepared by: Anna Minor, OFM	Phone: (360) 790-2951	Date Published: Preliminary 1/12/2024
-------------------------------------	---------------------------------	---

Individual State Agency Fiscal Note

Bill Number: 2031 HB	Title: Recognizing PTSD as an occupational disease for cornors, examiners, and investigative personnel	Agency: 235-Department of Labor and Industries
-----------------------------	---	---

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Trudes Tango	Phone: 360-786-7384	Date: 01/02/2024
Agency Preparation: Crystal Van Boven	Phone: 360-902-6982	Date: 01/11/2024
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 01/11/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/12/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

See attached

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

See attached

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

See attached

Part II: Explanation

The bill would amend RCW 51.08.142 to allow county coroners, examiners and investigative personnel to file for occupational disease coverage for posttraumatic stress disorder (PTSD).

II. A – Brief Description of What the Measure Does that Has Fiscal Impact

***Section 1** amends RCW 51.08.142.

Subsection (2)(a) - in addition to the exceptions already provided for in past sessions (firefighters, law enforcement officers and public safety telecommunications), "county coroners and medical examiner personnel" are now included.

Subsection (2)(b) - provides that for the exception to apply, as a condition of employment, the employee must submit to a psychological examination administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of PTSD from pre-employment exposures. If the employer does not provide such an examination, the exception applies. The bill adds "county coroners and medical examiner personnel hired after January 1, 2025" to the language around the pre-employment examination.

Subsection 2(e) is new language that provides a definition of "county coroner and medical examiner personnel." They are defined as individuals who respond to, investigate, handle evidence, or conduct autopsies for cases under the jurisdiction of a county coroner or medical examiner.

It is assumed that the timeframe for filing a claim is consistent with RCW 51.28.055 Time limitation for filing claim for occupational disease. A claim for PTSD may be filed after the county coroner or medical examiner employee has separated from employment, including retirement, which may complicate adjudication.

The expansion of coverage would result in an increase in claim costs, including pension, due to this new body of allowable occupational disease claims for PTSD. L&I premiums are intended to match the claim cost projection. We assume any incremental costs or savings will equal the incremental revenue collected.

This bill does not identify an effective date, therefore would take effect 90 days after session.

Self-insured employers will bear the full cost of any self-insured claims filed under the new coverage.

II. B – Cash Receipt Impact

Non-Appropriated – State Fund Premiums

As an insurance entity, L&I premium rates are intended to match premiums to claims cost projections. Therefore, for this fiscal analysis it is assumed that any incremental costs or savings will equal the incremental revenue collected.

Non-Appropriated – Premium Impact to Employers

Individual changes to the Accident and Medical Aid fund do not change rate assumptions by themselves. Cost increases are only one of many components in determining rates. The high-level strategy that is used to determine if a rate change is necessary is as follows:

- Review of liabilities, or costs of the Workers' Comp System.
- Investment earnings.
- Adequate revenue (premiums + investments) based on projected costs (actuarial estimates) will determine need for a premium change.

Non-Appropriated – Self-Insured Employers

If an employer chooses to be self-insured, they are responsible to pay for overall claim costs and a portion of administration costs of L&I's Self-Insurance Program and other costs of related support functions. The administrative assessment is an amount per dollar of claim benefit costs. If benefit costs are increased due to the changes in this bill, self-insured employers would be assessed by L&I for their appropriate portion of administrative costs based on the increase. Incremental costs or savings will equal the incremental revenue collected from assessments.

II. C – Expenditures

Non-Appropriated – State Fund Benefits Costs

There is non-appropriated impact only to the Accident Account, fund 608, and Medical Aid Account, fund 609. (Non-appropriated costs are not included in the Fiscal Note Summary.) There will be an increase in costs, however L&I does not have data to accurately predict, therefore the impact is indeterminate.

Presumptive PTSD claims will impact both the State Fund and for those that choose to be self-insured. If an employer chooses to be self-insured, they are responsible to pay for overall claim costs and a portion of administration costs of L&I's Self-Insurance Program and other costs of related support functions. The administrative assessment is an amount per dollar of claim benefit costs. Incremental costs or savings will equal the incremental revenue collected from assessments. This bill expands county coroner and medical examiner personnel to file for occupational disease coverage for posttraumatic stress disorder (PTSD).

The estimated number of workers defined under county coroner and medical examiners personnel that would be covered under this bill are as follows:

- 17 Forensic Pathologists – (Medical Doctors this includes the Medical Examiner in counties)
- 32 – Coroners
- The 13 smaller counties typically only have 1 additional part time deputy coroner.
- 19 counties have a range of investigative staff, between 2-14 depending on county size, with an average of 4.

The average claim for PTSD costs for law enforcement, firefighters (LEOFF) and emergency medical technicians is about \$650,000.

Appropriated – Operating Costs

L&I anticipates only 1-3 claims over a five year period associated with the bill and will implement this bill with existing resources.

Rule making

Rulemaking to amend WAC 296-14-300 will be needed, which will require one hybrid hearing that can be managed within existing resources.

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

- WAC 296-14-300