

Post Traumatic Stress Disorder (PTSD): Presumptive Eligibility for WA Direct Care RNs

PURPOSE/OVERVIEW

To describe the 2023 Washington state PTSD presumptive eligibility law for direct care registered nurses. This statute is effective January 1, 2024, and presumes that PTSD is an occupational disease under workers' compensation with presumptive eligibility for RNs. The goal is to provide:

- Relief for nurses working under traumatic conditions and
- Access to mental health care under the workers compensation system.

LAW APPLICABILITY: REGISTERED NURSE

Applies to a direct care RN who has PTSD that develops or manifests itself after the individual has been employed on a fully compensated basis as a direct care RN in WA for at least 90 consecutive days. (RCW 51.32.395)

PTSD PRESUMPTION OF ELIGIBILITY REQUIREMENTS: REGISTERED NURSE (RCW 51.32.395)

1. A direct care registered nurse.
This means a nurse licensed under RCW 18.79 who provides direct care to patients.
 - Registered nurse (RCW 18.79.040)
 - Advanced registered nurse practitioner (ARNP) (RCW 18.79.050)
 - **Excludes** licensed practical nurses (job class is not registered) (L & I presentation, Slide 8)
2. Employed on a fully compensated basis. (see definition below)
3. PTSD (resulting from a traumatic event(s)) manifests after employed as a registered nurse in Washington state for at least 90 consecutive days.
4. The presumption may be rebutted with a preponderance of evidence. (RCW 51.32.395(2))

TIMING: PRESUMPTION EXTENTIONS AFTER TERMINATION OF EMPLOYMENT

- Extends following termination of employment for a period of three calendar months for each year the claimant was a direct care registered nurse employed on a fully compensated basis.
- Does not extend more than 60 months following the last date of employment. (RCW 51.32.395(3))

DEFINITIONS

Direct patient care

- Not specifically defined so would be given meaning per common usage (L & I presentation, Slide 8).

Fully compensated basis

- Fully compensated is not defined in RCW 51.32.395. Per L&I, other rules, while not directly applicable to RNs would be used to determine if an RN met the requirement of being fully compensated.
- WAC 415-104-011(5): *Fully compensated employee means an employee who is normally expected to earn a basic monthly salary no less than one hundred sixty times the state minimum hourly wage. Nominal sums including, but not limited to, stipends or ancillary benefits such as insurance or leave accrual, provided to volunteer firefighters are not compensation for the purpose of determining whether a firefighter is fully compensated.*
 - WA state 2024 minimum wage is \$16.28/hour (≈\$2,605/month).

Occupational disease (RCW 51.08.140)

- A disease or infection that arises naturally and proximately out of employment.

Post Traumatic Stress Disorder

- A disorder that meets the diagnostic criteria for posttraumatic 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 the department in rule. (RCW 51.08.165)
- Stress resulting from occupational exposure to a single traumatic event that occurs in one of the following ways:
 - Directly experiencing the event.
 - Witnessing an event in person as it occurred to others.
 - Extreme exposure to aversive details of the event.

Examples include an actual or threatened death, physical assault, and sexual assault. (WAC 296-14-300(2)(c)(i-iii))

PTSD Full Diagnostic Criteria

- U.S. Department of Veteran Affairs. PTSD and DSM-5: National Center for PTSD. PTSD Diagnosis Criteria.

EXCLUSIONS FROM COVERAGE

Claim Exclusions from Coverage that do not fall under the definition of occupational disease: (list is not exhaustive)

| | |
|-----------------------------|------------------------------|
| Conflict(s) with supervisor | Changes in employment duties |
| Job dissatisfaction | Loss of job or demotion |
| Workload pressures | Disciplinary action |

(WAC 296-14-300)

PROOF OF QUALIFICATION

The registered nurse claimant must:

- Seek care/evaluation/treatment from the qualified medical provider (of their choice).
 - Employer may suggest but may not require the claimant to see a specific provider.
 - To find an approved provider: 1) L & I's [Find a Doctor](#) tool, 2) FindaDoc@Lni.wa.gov, 3) 1-800-547-8367
- Obtain documentation of PTSD diagnosis from a qualified provider (Psychiatrist (MD/DO), Psychiatric ARNP, Psychologist (PsyD, PhD in psychology) that meets DSM-5 criteria. *Note: Provider qualifications from L&I, 7.23.2024.
- Submit documentation of PTSD diagnosis to WA Labor & Industries OR to the self-insured employer.

FILING A WORKER'S COMPENSATION CLAIM

Depending on the insured status of your employer, file a worker's compensation claim using one of the following:

1. Employers insured through L&I: (Employee files a claim directly to L&I).

- Online via our [FileFast](#) tool
- By phone: 1-877-561-FILE (3453)
- At your doctor's office (if you complete the Report of Accident at your doctor's office, the doctor files the form for you)

2. Employers self-insured: (Employee files the claim with their employer).

- Notify your employer and intent to seek medical assistance.
- The employer provides the worker with a self-insured form (SIF-2) for completion by an approved medical provider.
- The approved provider completes the initial medical report and sends a copy to the self-insured employer or to their third-party (claims) administrator.
- Within 60 days of notice of claim, the self-insured employer asks L & I to allow or deny the claim.

Need Help? The Office of the Self-Insured advocates for the rights of injured workers of self-insured employers by providing information, investigating complaints, and taking action to ensure the worker receives the appropriate benefits under Washington State industrial insurance law. <https://ombuds.selfinsured.wa.gov/>

For assistance with the self-insured claims process, contact 1.888.317.0493.

CLAIM SUPPRESSION

If the employer does not allow a workers' compensation claim to be filed, the worker may file a Claim Suppression form with Labor and Industries - <https://lni.wa.gov/fraud/claim-suppression>

CLAIM DENIAL

If L & I denies the workers' compensation claim, the worker may protest for reconsideration by submitting a written dispute within 60 days to either Labor and Industries or the Board of Appeals. A phone call to a Labor and Industries Claims Manager is insufficient to start a dispute – this must be in writing.

Resources:

[Chapter 18.79 RCW](#). Nursing Care.

[RCW 18.79.040](#). Registered nursing practice defined – exceptions.

[RCW 18.79.050](#). Advanced registered nursing practice defined – exceptions.

[RCW 51.08.140](#). Occupational disease.

[RCW 51.08.165](#). Posttraumatic stress disorder.

[RCW 51.32.395](#). Direct care registered nurses-presumption of occupational disease for posttraumatic stress disorder.

U.S. Department of Veterans Affairs. PTSD and DSM-5: National Center for PTSD. Retrieved on August 19, 2024, from https://www.ptsd.va.gov/professional/treat/essentials/dsm5_ptsd.asp

[WAC 296-14-300](#). Mental condition/mental disabilities.

[WAC 415-104-011](#). Definitions -fully compensated employee.

Washington State Department of Labor & Industries. (2024, July). Post traumatic stress disorder presentation to WSNA.