



April 25, 2018

## Posttraumatic Stress Disorder

### EDUCATIONAL BRIEFING

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### ISSUE STATEMENT

Legislation enacted in 2018 changed eligibility for workers' compensation and LEOFF Plan 2 benefits related to Posttraumatic Stress Disorder (PTSD).

### OVERVIEW

This report will provide information on what LEOFF Plan 2 benefits are available to members suffering from PTSD, how eligibility for those benefits has changed due to the new legislation and the processes for establishing eligibility. This report will also identify questions that have arisen since the legislation was enacted.

### BACKGROUND AND POLICY ISSUES

#### What is PTSD?

Posttraumatic Stress Disorder is a trauma and stressor-related mental disorder resulting from exposure to one or more traumatic events involving death or serious injury<sup>1</sup>. The exposure may occur from:

1. Directly experiencing the traumatic event (e.g. suffering a gunshot wound);
2. Witnessing, in person, the event as it occurs to others;
3. Learning that the traumatic event occurred to a close friend or family member; or,
4. Experiencing repeated or extreme exposure to aversive details of the traumatic event (e.g. first responders collecting human remains).

PTSD is characterized by:

1. Recurrent, involuntary and distressing memories or dreams of the traumatic event, flashbacks, intense or prolonged psychological distress or marked psychological reactions to cues that resemble an aspect of the traumatic event;
2. Persistent avoidance of stimuli associated with the traumatic event;

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<sup>1</sup> *Diagnostic and Statistics Manual of Mental Disorders, 5<sup>th</sup> Edition (DSM-5)*

3. Negative alterations in thoughts or mood associated with the traumatic event;
4. Marked alterations in reactivity associated with the traumatic event beginning or worsening after the traumatic event occurred (e.g. irritable behavior, unprovoked angry outbursts, reckless or self-destructive behavior, hypervigilance, exaggerated startle response, problems with concentration, and sleep disturbance).
5. Duration of symptoms 1-4 for more than one month;
6. The symptoms cause clinically significant distress or impairment in social, occupational or other important areas of functioning;
7. The symptoms are not attributable to the psychological effects of drugs, alcohol, medication or another medical condition.

### **How are PTSD claims covered by workers' compensation?**

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. Claims based on mental conditions or mental disabilities caused by stress are specifically excluded in statute from the definition of an occupational disease. Examples of stress-related conditions that are not covered by workers' compensation include:

- 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; and,
- Actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.

### ***How did 2018 legislation affect PTSD claims?***

PTSD resulting from exposure to a single traumatic event, or a single traumatic event within a series of exposures, has always been considered an occupational disease.

SSB 6214 changes the eligibility criteria for workers' compensation benefits for certain law enforcement officers, fire fighters, and emergency medical technicians (EMTS) to match the

DSM-5 definition of PTSD. Specifically, this change means that a series of exposures to traumatic events can now be the basis for a workers' compensation claim.

A rebuttable presumption exists that PTSD resulting from repeated exposures is an occupational disease for these law enforcement officers, fire fighters and EMTs if:

1. The member has had a prior psychological exam ruling out PTSD and the disorder develops after the person has served at least ten years; or,
2. The employer has not provided a psychological exam.

### **How are PTSD claims covered by LEOFF Plan 2?**

The Law Enforcement Officers' and Fire Fighters' (LEOFF) Plan 2 retirement system provides payment of certain benefits when a member suffers a duty-related death or disability. Eligibility for these payments is determined by the Department of Retirement Systems (DRS).

### ***Is the PTSD duty-related?***

The terms "duty-related" in LEOFF Plan 2 and "in the course of employment" in workers' compensation are considered by courts to mean the same thing. So, if a workers' compensation claim for PTSD is approved by the Department of Labor & Industries (LNI), then DRS will consider applications for LEOFF 2 benefits from the same event as duty-related unless there is additional information. If there was no prior workers' compensation claim, DRS will determine if PTSD is duty-related by applying the same criteria that LNI would use to evaluate a claim.

### ***What duty-related benefits are provided by LEOFF 2?***

LEOFF Plan 2 provides:

1. Temporary Disability Service Credit – A member who does not receive LEOFF 2 service credit while they are off work due to a duty-related injury can apply to receive credit for that time. A member whose PTSD is so severe that they need to take a leave of absence to receive treatment would be eligible for this benefit.
2. Disability Retirement – A member who is injured in the line of duty such that they can no longer return to LEOFF covered employment is eligible to receive the pension they have earned without a reduction for early retirement. A member whose PTSD is so severe that they must change careers can be eligible for duty-related disability retirement.
3. Catastrophic Disability Retirement – A member who is injured in the line of duty so severely that they are incapable of any substantial gainful employment is eligible for a benefit equal to 70% of their final average salary off-set by any workers' compensation benefits or social security disability benefits that the member is receiving for the same injury up to a total of 100% of the member's final average salary. If a members' PTSD completely disables them, they may be eligible for a catastrophic duty-related retirement.

4. Death Benefits – A lump sum benefit, the **member’s earned pension**, reimbursement for some medical insurance premiums and eligibility for in-state tuition waivers is provided to surviving spouses and **children** of a member who is killed in the line of duty. The death of a member who commits suicide due to PTSD can be considered in the course of employment for workers’ compensation and duty-related benefits for LEOFF Plan 2.

**How many PTSD-related claims are expected for LEOFF Plan 2?**

The current edition of the Diagnostic and Statistics Manual of Mental Disorders predicts that 8.7% of all people in the U.S. who live until age 75 will experience PTSD to some extent. Rates of PTSD are higher among veterans and others whose vocation increases the risk of traumatic exposure including law enforcement officers, firefighters and emergency medical technicians. PTSD is a treatable condition and the severity of the condition varies among individuals. The fact that a person experiences PTSD does not mean that they will miss work or become disabled.

The Office of the State Actuary (OSA) researched the prevalence of PTSD among law enforcement officers, fire fighters and emergency medical technicians as part of their fiscal note for SSB 6214 in 2018. They found the prevalence of PTSD for firefighters varied among data sources from 3.9% to 22%.

DRS has tracked whether PTSD is the underlying basis for disability requests since 2013. DRS has approved 19 duty-related PTSD claims through 2017. 6 claims were denied. 5 Non-duty PTSD claims were approved over this same time period and 2 of those were denied.

OSA assumed 2 additional PTSD-related disabilities per year as a result of SSB 6214 and that all non-duty PTSD disability claims would now be considered duty-related for an additional 1 disability per year.

OSA assumed 2 additional duty-related suicide fatalities per year. These deaths would previously have been considered non-duty related.

<b>Expected Annual Disability Retirements</b>		
	Current Law	Estimated Cost
<b>Duty</b>	<b>34</b>	<b>37</b>
Catastrophic	4	4
Occupational	30	33
<b>Non-Duty</b>	<b>5</b>	<b>4</b>
<b>Total</b>	<b>39</b>	<b>41</b>

<b>Expected Annual Deaths</b>		
	Current Law	Estimated Cost
Duty	6	8
Non-Duty	21	19
<b>Total</b>	<b>27</b>	<b>27</b>



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# What is PTSD?

- Definition
- Causes
- Symptoms

# PTSD – Worker's Compensation

- Allowable claims
- Changes from the 2018 legislation

## PTSD – LEOFF Plan 2

- “Duty-related” death and disability benefits
- How prevalent is PTSD?
- Estimated effect of 2018 legislation on claims and cost of the plan





**Thank You**

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