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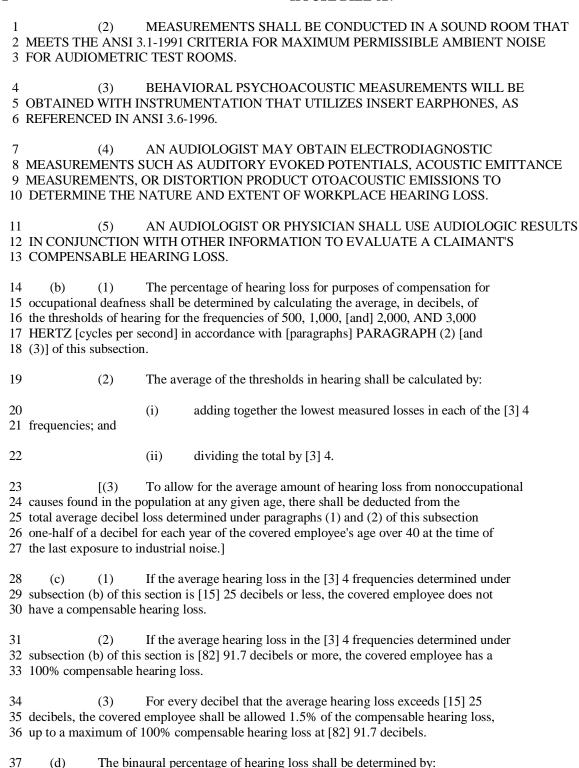
(III)

26 PREVIOUS CALIBRATION OR MEASUREMENT CRITERIA.

2000 Regular Session 0lr2138

By: Delegate Love Introduced and read first time: February 11, 2000 Assigned to: Economic Matters A BILL ENTITLED 1 AN ACT concerning 2 Workers' Compensation - Calculation of Hearing Loss 3 FOR the purpose of requiring the calculation of hearing loss for workers' compensation to be measured by certain criteria; requiring the measurements to 4 5 be conducted in a sound room that meets certain criteria; increasing the 6 threshold of hearing for certain frequencies; requiring the Maryland Academy of Audiology to develop certain materials for certain businesses to promote their 7 8 awareness of legislative changes; and generally relating to the calculation of 9 hearing loss in workers' compensation. 10 BY repealing and reenacting, with amendments, Article - Labor and Employment 11 12 Section 9-650 Annotated Code of Maryland 13 14 (1999 Replacement Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 15 16 MARYLAND, That the Laws of Maryland read as follows: 17 **Article - Labor and Employment** 18 9-650. Hearing loss shall be measured by [pure tone air conduction 19 20 audiometric instruments approved by nationally recognized authorities in the field of 21 hearing loss.] AN AUDIOLOGIST UTILIZING AUDIOMETRIC INSTRUMENTATION THAT 22 MEETS THE FOLLOWING CRITERIA: 23 (I) ANSI 3.6-1996; 24 (II) ANSI S3.43-1992; AND

ANSI 3.39-1987 OR ANY ANSI STANDARD THAT SUPERSEDES THE



HOUSE BILL 827

- 1 (1) multiplying the percentage of hearing loss in the better ear by 5; 2 (2) adding that product to the percentage of hearing loss in the poorer 3 ear; and 4 (3) dividing that sum by 6. 5 In determining the percentage of hearing loss under this section, (e) (1) 6 consideration may not be given to whether the use of [a hearing aid] AN 7 AMPLIFICATION DEVICE improves the ability of a covered employee to understand 8 speech OR ENHANCE BEHAVIORAL HEARING THRESHOLDS.
- 9 (2) (I) IN DETERMINING A WORKERS' COMPENSATION COMPLAINT 10 FOR NOISE-RELATED HEARING LOSS, AUDIOLOGIC DATA SHALL USE BOTH BONE 11 CONDUCTION AND AIR CONDUCTION RESULTS.
- 12 (II) IF A CONDUCTIVE LOSS IS PRESENT, THE BONE CONDUCTION 13 THRESHOLDS FOR EACH EAR, RATHER THAN THE AIR CONDUCTION LEVELS, SHALL 14 BE USED TO CALCULATE A CLAIMANT'S AVERAGE HEARING LOSS.
- 15 SECTION 2. AND BE IT FURTHER ENACTED, That, in conjunction with
- 16 interested business entities, the Maryland Academy of Audiology shall develop a plan
- 17 to reach the small business community and encourage the initiation of hearing
- 18 conservation programs which include early employment hearing assessments and
- 19 other currently available preventive measures. The Maryland Academy of Audiology
- 20 will participate in developing educational materials to be disseminated to these
- 21 businesses in order to promote their awareness of the legislative changes.
- 22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 23 October 1, 2000.