



Testimony of Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund in Opposition to House Bill 669

HB 699 proposes to amend how hearing loss is calculated under Labor and Employment, § 9-650 as well as adding tinnitus to the hearing loss percentage granted by the Workers' Compensation Commission.

The suggested hearing loss calculation amendment is twofold, adding a decibel to the hearing loss formula (4000 hertz) and amending the age deduction that is currently in the statute from a half a decibel for each year that the employee is over 50 to the lesser of a half a decibel for each year that the employee is over 50 or for each year the employee was last exposed to industrial noise.

The amendments to Labor and Employment, § 9-650 eliminate the carefully crafted statutory language in which there was consideration for both industrial hearing loss and hearing loss which is from nonoccupational causes found in the population at any given age (see Labor and Employment, §9-650 (b)(3)).

In terms of the hearing loss calculation under Labor and Employment, § 9-650, Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund found 142 claims related to Labor and Employment, § 9-650 from 2018 – 2023. The new calculations provided in the bill resulted in an overall increase in payment on the claims where prior audiology tests were available in the file with all appropriate details to calculate using the new hearing loss calculation. The average increase per claim equates to an additional 6.86% in permanent partial disability. (The increase varied per claim and ranged from 1.56% to 13.56%.) A 6.86% permanent partial disability increase would vary claim to claim in terms of dollar amounts but given that most hearing loss cases are public safety related, a 6.86% increase would equate to an average of \$12,620 per permanency award for the claims evaluated.

The addition of tinnitus in the hearing loss statute, often already awarded in hearing loss claims, is an average of 5% permanent partial disability, or about \$11,675 per claim, using 2023 rates and assuming public safety status. Tinnitus is a subjective finding, without any objective test being available, therefore, by making it available as simply an addition to hearing loss, it will likely open the door to an additional fiscal impact.

Given that the proposed amendments to Labor and Employment, § 9-650 create a large fiscal impact to the State of Maryland, its municipalities, and thousands of small businesses, Chesapeake

Employers' Insurance Company and the Injured Workers' Insurance Fund respectfully oppose House Bill 669.

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