

# HOUSE BILL ANALYSIS

## HB 2806

**Brief Description:** Prescribing industrial insurance deadlines for hearing loss claims.

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**Sponsors:** McMorris, Dyer, Backlund, Boldt and Clements

Hearing: January 28, 1998

### **BACKGROUND:**

For an occupational disease claim to be valid under the industrial insurance law, the claim must be filed within two years after the worker has written notice from a physician that the disease exists and a claim may be filed. The physician's notice must also state that the worker has two years from the date of the notice to file a claim.

Under Department of Labor and Industries' policy, an occupational hearing loss claim must be filed within two years from the date that: (1) the worker is given the physician's notice and (2) the disease reached a stage for which it is compensable in some degree. Whether a hearing loss has reached a compensable stage is determined using the American Medical Association's impairment rating guide.

### **SUMMARY OF BILL:**

The period for filing an industrial insurance occupational disease claim for hearing loss is no longer determined under the "physician's notice" criteria. Instead, these claims must be filed within one year of the worker's last injurious work-related exposure to noise.

If a worker has a compensable hearing loss for which a claim has not been filed on the bill's effective date, the worker must file the claim within one year of the bill's effective date or the claim is barred.

**RULES AUTHORITY:** The bill does not contain provisions addressing the rule making powers of an agency.

**FISCAL NOTE:** Not requested.

**EFFECTIVE DATE:** Ninety days after adjournment of session in which bill is passed.