

Commerce & Labor Committee

HB 1557

Brief Description: *Adjusting permanent partial disability compensation for hearing loss to account for the effects of aging.*

Sponsors: *Representatives Clements, B. Chandler, McMorris, DeBolt, Lisk and Alexander.*

Brief Summary of Bill

- *Requires adjustment in industrial insurance compensation paid for occupational hearing loss to account for aging.*

Hearing Date: *2/7/01*

Staff: *Chris Cordes (786-7103).*

Background:

Workers who, in the course of employment, are injured or suffer disability from an occupational disease receive benefits under Washington's industrial insurance law. The law specifies compensation for certain permanent partial disabilities, including complete loss of hearing. If the injured worker's loss of hearing is not complete, the Department of Labor and Industries bases compensation on the percentage of hearing loss using the American Medical Association's Guides to the Evaluation of Permanent Impairment.

In 1998 the Board of Industrial Insurance Appeals decided several cases addressing the relationship between occupational hearing loss and aging. In these cases, the board held that the current methods of differentiating between age-related hearing loss and industrially related hearing loss were not sufficiently reliable to use as a basis for reducing a permanent partial disability award to allocate for age-related hearing loss. The department, in adjudicating hearing loss claims due to injurious noise exposure, does not take into account the effects of aging.

Several other states' workers' compensation laws include benefit deductions to account for the effects of aging, including Iowa, Maryland, Missouri, Montana, Oregon, and South

Dakota.

Summary of Bill:

Permanent partial disability compensation paid to injured workers with occupational hearing loss must be adjusted to account for aging. The adjustment is based on the worker's age at the time of the audiogram on which the compensation is based. Formulas are included for determining the percentage of hearing impairment and reducing that percentage for age-related hearing loss. Tables of correction values based on age and gender are used to determine the percentage reduction.

Rules Authority: *The bill does not contain provisions addressing the rule-making powers of an agency.*

Appropriation: *None.*

Fiscal Note: *Requested on February 1, 2001.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*