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SENATE BILL 5622

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State of Washington

57th Legislature

2001 Regular Session

By Senators Prentice, Winsley, Honeyford and Hochstatter

Read first time 01/29/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to adjusting permanent partial disability  
2 compensation for hearing loss to account for the effects of aging;  
3 amending RCW 51.32.080; and adding a new section to chapter 51.32 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW  
6 to read as follows:

7 (1) Compensation for occupational hearing loss shall be adjusted to  
8 account for aging, based on the worker's age at the time of the  
9 audiogram upon which the compensation is based. Age-related hearing  
10 loss shall be deducted as follows:

11 (a) For unilateral hearing loss, the unilateral percentage  
12 reduction due to aging shall be subtracted from the percentage of total  
13 unilateral hearing impairment. To obtain the percentage reduction due  
14 to aging, the percentage of hearing loss due to aging for an ear is  
15 multiplied by the percentage of total unilateral hearing impairment for  
16 that ear.

17 (b) For binaural hearing loss, the binaural percentage reduction  
18 due to aging shall be subtracted from the percentage of total binaural  
19 hearing impairment. To obtain the percentage reduction due to aging,

1 the percentage of binaural hearing loss due to aging is multiplied by  
2 the percentage of total binaural hearing impairment.

3 (2) As used in this section:

4 (a) "Hearing loss average" means the sum of the audiogram results  
5 in decibels at 500, 1000, 2000, and 3000 hertz for an ear divided by  
6 four.

7 (b) "The percentage of binaural hearing loss due to aging" means  
8 the sum of the percentage of hearing loss due to aging for each ear  
9 divided by two.

10 (c) "The percentage of hearing loss due to aging for an ear" means  
11 the expected total hearing loss for age in an ear divided by the  
12 hearing loss average for that ear. The expected total hearing loss for  
13 age in an ear is the number obtained by dividing by three the sum of  
14 the age correction values for the appropriate gender at 1000, 2000, and  
15 3000 hertz, as shown on the tables in subsection (3) of this section.

16 (d) "The percentage of total binaural hearing impairment" means the  
17 number obtained by adding the percentage of total unilateral hearing  
18 impairment of the better ear multiplied by five and the percentage of  
19 total unilateral hearing impairment of the other ear, and dividing the  
20 total by six.

21 (e) "The percentage of total unilateral hearing impairment" means  
22 the number obtained by subtracting twenty-five decibels from the  
23 hearing loss average and multiplying by one and one-half.

24 (3) The following tables shall be used to obtain the age correction  
25 values:

26 AGE CORRECTION VALUES IN DECIBELS FOR MALES

27	Audiometric Test Frequency (Hz)			
28	Years	1000	2000	3000
29	20 or younger	5	3	4
30	21	5	3	4
31	22	5	3	4
32	23	5	3	4
33	24	5	3	5
34	25	5	3	5
35	26	5	4	5
36	27	5	4	6
37	28	6	4	6
38	29	6	4	6

1	30	6	4	6
2	31	6	4	7
3	32	6	5	7
4	33	6	5	7
5	34	6	5	8
6	35	7	5	8
7	36	7	5	9
8	37	7	6	9
9	38	7	6	9
10	39	7	6	10
11	40	7	6	10
12	41	7	6	10
13	42	8	7	11
14	43	8	7	12
15	44	8	7	12
16	45	8	7	13
17	46	8	8	13
18	47	8	8	14
19	48	9	8	14
20	49	9	9	15
21	50	9	9	16
22	51	9	9	16
23	52	9	10	17
24	53	9	10	18
25	54	10	10	18
26	55	10	11	19
27	56	10	11	20
28	57	10	11	21
29	58	10	12	22
30	59	11	12	22
31	60 or older	11	13	23

32 AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

33	Audiometric Test Frequency (Hz)			
34	Years	1000	2000	3000
35	20 or younger	7	4	3
36	21	7	4	4
37	22	7	4	4

1	23	7	5	4
2	24	7	5	4
3	25	8	5	4
4	26	8	5	5
5	27	8	5	5
6	28	8	5	5
7	29	8	5	5
8	30	8	6	5
9	31	8	6	6
10	32	9	6	6
11	33	9	6	6
12	34	9	6	6
13	35	9	6	7
14	36	9	7	7
15	37	9	7	7
16	38	10	7	7
17	39	10	7	8
18	40	10	7	8
19	41	10	8	8
20	42	10	8	9
21	43	11	8	9
22	44	11	8	9
23	45	11	8	10
24	46	11	9	10
25	47	11	9	10
26	48	12	9	11
27	49	12	9	11
28	50	12	10	11
29	51	12	10	12
30	52	12	10	12
31	53	13	10	13
32	54	13	11	13
33	55	13	11	14
34	56	13	11	14
35	57	13	11	15
36	58	14	12	15
37	59	14	12	16
38	60 or older	14	12	16



1	Of index finger at distal interphalangeal joint . . . . .	5,346.00
2	Of middle finger at metacarpophalangeal joint or with	
3	resection of metacarpal bone . . . . .	9,720.00
4	Of middle finger at proximal interphalangeal joint . . . . .	7,776.00
5	Of middle finger at distal interphalangeal joint . . . . .	4,374.00
6	Of ring finger at metacarpophalangeal joint or with	
7	resection of metacarpal bone . . . . .	4,860.00
8	Of ring finger at proximal interphalangeal joint . . . . .	3,888.00
9	Of ring finger at distal interphalangeal joint . . . . .	2,430.00
10	Of little finger at metacarpophalangeal joint or with	
11	resection of metacarpal bone . . . . .	2,430.00
12	Of little finger at proximal interphalangeal joint . . . . .	1,944.00
13	Of little finger at distal interphalangeal joint . . . . .	972.00

14 MISCELLANEOUS

15	Loss of one eye by enucleation . . . . .	21,600.00
16	Loss of central visual acuity in one eye . . . . .	18,000.00
17	Complete loss of hearing in both ears . . . . .	43,200.00
18	Complete loss of hearing in one ear . . . . .	7,200.00

19 (b) Beginning on July 1, 1993, compensation under this subsection  
20 shall be computed as follows:

21 (i) Beginning on July 1, 1993, the compensation amounts for the  
22 specified disabilities listed in (a) of this subsection shall be  
23 increased by thirty-two percent; and

24 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the  
25 compensation amounts for the specified disabilities listed in (a) of  
26 this subsection, as adjusted under (b)(i) of this subsection, shall be  
27 readjusted to reflect the percentage change in the consumer price  
28 index, calculated as follows: The index for the calendar year  
29 preceding the year in which the July calculation is made, to be known  
30 as "calendar year A," is divided by the index for the calendar year  
31 preceding calendar year A, and the resulting ratio is multiplied by the  
32 compensation amount in effect on June 30 immediately preceding the July  
33 1st on which the respective calculation is made. For the purposes of  
34 this subsection, "index" means the same as the definition in RCW  
35 2.12.037(1).

36 (2) Compensation for amputation of a member or part thereof at a  
37 site other than those specified in subsection (1) of this section, and  
38 for loss of central visual acuity and loss of hearing other than

1 complete, shall be in proportion to that which such other amputation or  
2 partial loss of visual acuity or hearing most closely resembles and  
3 approximates. Compensation shall be calculated based on the adjusted  
4 schedule of compensation in effect for the respective time period as  
5 prescribed in subsection (1) of this section. Compensation for loss of  
6 hearing shall be adjusted as prescribed in section 1 of this act.

7 (3)(a) Compensation for any other permanent partial disability not  
8 involving amputation shall be in the proportion which the extent of  
9 such other disability, called unspecified disability, shall bear to the  
10 disabilities specified in subsection (1) of this section, which most  
11 closely resembles and approximates in degree of disability such other  
12 disability, and compensation for any other unspecified permanent  
13 partial disability shall be in an amount as measured and compared to  
14 total bodily impairment. To reduce litigation and establish more  
15 certainty and uniformity in the rating of unspecified permanent partial  
16 disabilities, the department shall enact rules having the force of law  
17 classifying such disabilities in the proportion which the department  
18 shall determine such disabilities reasonably bear to total bodily  
19 impairment. In enacting such rules, the department shall give  
20 consideration to, but need not necessarily adopt, any nationally  
21 recognized medical standards or guides for determining various bodily  
22 impairments.

23 (b) Until July 1, 1993, for purposes of calculating monetary  
24 benefits under (a) of this subsection, the amount payable for total  
25 bodily impairment shall be deemed to be ninety thousand dollars.  
26 Beginning on July 1, 1993, for purposes of calculating monetary  
27 benefits under (a) of this subsection, the amount payable for total  
28 bodily impairment shall be adjusted as follows:

29 (i) Beginning on July 1, 1993, the amount payable for total bodily  
30 impairment under this section shall be increased to one hundred  
31 eighteen thousand eight hundred dollars; and

32 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the  
33 amount payable for total bodily impairment prescribed in (b)(i) of this  
34 subsection shall be adjusted as provided in subsection (1)(b)(ii) of  
35 this section.

36 (c) Until July 1, 1993, the total compensation for all unspecified  
37 permanent partial disabilities resulting from the same injury shall not  
38 exceed the sum of ninety thousand dollars. Beginning on July 1, 1993,  
39 total compensation for all unspecified permanent partial disabilities

1 resulting from the same injury shall not exceed a sum calculated as  
2 follows:

3 (i) Beginning on July 1, 1993, the sum shall be increased to one  
4 hundred eighteen thousand eight hundred dollars; and

5 (ii) Beginning on July 1, 1994, and each July 1 thereafter, the  
6 sum prescribed in (b)(i) of this subsection shall be adjusted as  
7 provided in subsection (1)(b)(ii) of this section.

8 (4) If permanent partial disability compensation is followed by  
9 permanent total disability compensation, any portion of the permanent  
10 partial disability compensation which exceeds the amount that would  
11 have been paid the injured worker if permanent total disability  
12 compensation had been paid in the first instance, shall be deducted  
13 from the pension reserve of such injured worker and his or her monthly  
14 compensation payments shall be reduced accordingly.

15 (5) Should a worker receive an injury to a member or part of his  
16 or her body already, from whatever cause, permanently partially  
17 disabled, resulting in the amputation thereof or in an aggravation or  
18 increase in such permanent partial disability but not resulting in the  
19 permanent total disability of such worker, his or her compensation for  
20 such partial disability shall be adjudged with regard to the previous  
21 disability of the injured member or part and the degree or extent of  
22 the aggravation or increase of disability thereof.

23 (6) When the compensation provided for in subsections (1) through  
24 (3) of this section exceeds three times the average monthly wage in the  
25 state as computed under the provisions of RCW 51.08.018, payment shall  
26 be made in monthly payments in accordance with the schedule of  
27 temporary total disability payments set forth in RCW 51.32.090 until  
28 such compensation is paid to the injured worker in full, except that  
29 the first monthly payment shall be in an amount equal to three times  
30 the average monthly wage in the state as computed under the provisions  
31 of RCW 51.08.018, and interest shall be paid at the rate of eight  
32 percent on the unpaid balance of such compensation commencing with the  
33 second monthly payment. However, upon application of the injured  
34 worker or survivor the monthly payment may be converted, in whole or in  
35 part, into a lump sum payment, in which event the monthly payment shall  
36 cease in whole or in part. Such conversion may be made only upon  
37 written application of the injured worker or survivor to the department  
38 and shall rest in the discretion of the department depending upon the  
39 merits of each individual application. Upon the death of a worker all



1 unpaid installments accrued shall be paid according to the payment  
2 schedule established prior to the death of the worker to the widow or  
3 widower, or if there is no widow or widower surviving, to the dependent  
4 children of such claimant, and if there are no such dependent children,  
5 then to such other dependents as defined by this title.

6 (7) Awards payable under this section are governed by the schedule  
7 in effect on the date of injury.

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