
Commerce & Labor Committee

HB 2283

Brief Description: Concerning hearing loss claims.

Sponsors: Representative Conway.

Brief Summary of Bill

- Requires industrial insurance claims for hearing loss due to occupational noise exposure to be filed either within two years of a specified notice from a physician or two years after the worker has retired, whichever is earlier.
- Establishes the permanent partial disability (PPD) award for hearing loss due to occupational noise exposure at 75 percent of the monetary value in the PPD schedule for hearing loss disability.
- Requires the Department of Labor and Industries to assess new hearing device technologies and make the new technology available as deemed appropriate.

Hearing Date: 6/4/03

Staff: Chris Cordes (786-7103).

Background:

Under the Industrial Insurance Act, workers who, in the course of employment, are injured or suffer disability from an occupational disease receive certain benefits. Claims for industrial injuries and occupational diseases must be filed within specific time periods.

For an industrial injury, the claim must be filed within one year after the day the injury occurred. For an occupational disease, the claim must be filed within two years following the date the worker is advised by a physician, in writing, of the existence of the disease and the right to file a claim for benefits. The physician must file the notice with the Department of Labor and Industries (Department), and the Department must send copies of the notice to the worker and any self-insurer.

Permanent partial disability benefits are awarded when a worker is determined to have a permanent disability caused by the industrial injury or occupational disease. The amount of

the award for total or partial hearing loss is determined by reference to a statutory schedule.

The Department must provide certain devices necessary to treat an injured worker, including hearing aids. These devices continue to be provided or replaced after treatment is complete.

Summary of Bill:

Time Limits for Filing a Claim

The statute of limitations applicable to filing industrial insurance claims for hearing loss due to occupational noise exposure is modified. The claim must be filed within the earlier of:

- two years after a specified notice from a physician; or
- the later of two years after the worker retires or one year after the bill's effective date.

If a claim for is not timely filed, the worker may receive medical aid benefits, such as hearing aids, but not permanent partial disability awards and other types of compensation.

Hearing loss is due to occupational noise exposure when the hearing loss results from prolonged exposure to injurious noise in employment. This exposure is not an "injury" for purposes of filing an injury claim.

These provisions apply to all claims filed on or after the bill's effective date regardless of the date of injurious exposure.

Permanent Partial Disability Awards

The permanent partial disability (PPD) award for hearing loss due to occupational noise exposure is established at 75 percent of the monetary value in the PPD schedule for hearing loss disability. This provision applies to claims filed on or after the bill's effective date.

Provision of Hearing Aids

The Department must assess the benefits to workers and the costs of emerging technologies in determining which hearing devices are provided to workers and must make new technology available as deemed appropriate.

Rulemaking Authority: The bill authorizes the Department to adopt rules to implement the law setting time limits for filing claims for occupational disease.

Appropriation: None.

Fiscal Note: Requested on June 3, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.