
Commerce & Labor Committee

HB 1628

Brief Description: Securing hearing loss benefits.

Sponsors: Representatives McCoy, Conway, Campbell, Wood, Berkey, Hudgins, Lovick, Cooper, Chase, Romero, Dickerson, Moeller, Schual-Berke, Santos, Kenney and Rockefeller.

Brief Summary of Bill

- Modifies the payment schedule applicable to occupational related noise-induced hearing loss claims.
- Requires hearing aids to be appropriate to the injured worker's condition.
- Requires the injured worker to pay for the cost difference between a hearing aid considered appropriate and one that is more expensive.

Hearing Date: 2/18/03

Staff: Jill Reinmuth (786-7134).

Background:

Under the Industrial Insurance Act (Act), workers who, in the course of employment, are injured or suffer disability from an occupational disease receive certain benefits. Workers receive the same types of compensation and medical benefits, whether their disability resulted from an industrial injury or an occupational disease.

The Act specifies the rate of compensation for certain permanent partial disabilities, including complete hearing loss. If the injured worker's hearing loss is not complete, the Department of Labor and Industries (Department) determines the rate of compensation based on the percentage of hearing loss using the American Medical Association's Guides to the Evaluation of Permanent Impairment.

The Act also specifies the payment schedule applicable to disabilities resulting from industrial injuries and occupational diseases. For an industrial injury, including one that causes hearing loss, compensation is based on the payment schedule in effect on the date of injury. For an

occupational disease, also including one that causes hearing loss, compensation is based on the payment schedule in effect on the date that the disease requires medical treatment or becomes disabling, whichever occurs first.

Summary of Bill:

The payment schedule applicable to occupationally related noise-induced hearing loss claims is modified. For this type of hearing loss, compensation is based on the payment schedule in effect on the date by which the worker received both a written notice of hearing loss from a physician and the audiogram, or the date that the claim was filed, whichever is earlier. This change applies only to hearing loss claims that are: (1) filed on or after the effective date of the act; or (2) existing on the effective date of the act for which the rate has not been finally adjudicated.

An evaluation of whether a particular hearing aid, including a replacement hearing aid, is appropriate for an injured worker is required. The evaluation must consider: (1) whether the worker would benefit from upgrading the hearing aid; (2) the efficacy of the technology; and (3) the cost. If an injured worker chooses a hearing aid that is more expensive than the one recommended as appropriate by the experts, the injured worker must pay the added cost.

Rules Authority: The bill does not address the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Requested on February 11, 2003.

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