

(i) adding together the lowest measured losses in each of the [3] 4 frequencies; and

(ii) dividing the total by [3] 4.

~~[(3) To allow for the average amount of hearing loss from nonoccupational causes found in the population at any given age, there shall be deducted from the total average decibel loss determined under paragraphs (1) and (2) of this subsection one-half of a decibel for each year of the covered employee's age over 40 50 at the time of the last exposure to industrial noise.]~~

(c) (1) If the average hearing loss in the [3] 4 frequencies determined under subsection (b) of this section is [15] 25 decibels or less, the covered employee does not have a compensable hearing loss.

(2) If the average hearing loss in the [3] 4 frequencies determined under subsection (b) of this section is [82] 91.7 decibels or more, the covered employee has a 100% compensable hearing loss.

(3) For every decibel that the average hearing loss exceeds [15] 25 decibels, the covered employee shall be allowed 1.5% of the compensable hearing loss, up to a maximum of 100% compensable hearing loss at [82] 91.7 decibels.

(d) The binaural percentage of hearing loss shall be determined by:

(1) multiplying the percentage of hearing loss in the better ear by 5;

(2) adding that product to the percentage of hearing loss in the poorer ear; and

(3) dividing that sum by 6.

(e) (1) In determining the percentage of hearing loss under this section, consideration may not be given to whether the use of [a hearing aid] AN AMPLIFICATION DEVICE improves the ability of a covered employee to understand speech OR ENHANCE BEHAVIORAL HEARING THRESHOLDS.

(2) (I) ~~IN DETERMINING A WORKERS' COMPENSATION COMPLAINT CLAIM FOR NOISE-RELATED NOISE-RELATED HEARING LOSS, AUDIOLOGIC DATA MUST UTILIZE~~ SHALL USE BOTH BONE CONDUCTION AND AIR CONDUCTION RESULTS.

(II) ~~IF A CONDUCTIVE LOSS IS PRESENT, THE BONE CONDUCTION THRESHOLDS FOR EACH EAR, RATHER THAN THE AIR CONDUCTION LEVELS, SHOULD~~ SHALL BE UTILIZED USED TO CALCULATE A CLAIMANT'S AVERAGE HEARING LOSS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.

May 18, 2000

The Honorable Thomas V. Mike Miller, Jr.