

House Bill 637

By: Representatives Hembree of the 67th, Amerson of the 9th, Holt of the 112th, Meadows of the 5th, and Kidd of the 141st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 34-9-264 of the Official Code of Georgia Annotated, relating to
2 compensation for loss of hearing caused by harmful noise under workers' compensation, so
3 as to revise certain provisions relating to hearing level frequencies; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 34-9-264 of the Official Code of Georgia Annotated, relating to compensation
8 for loss of hearing caused by harmful noise under workers' compensation, is amended by
9 revising paragraphs (1) and (2) of subsection (b) as follows:

10 "(1) In the evaluation of occupational hearing loss, only the hearing levels at the
11 frequencies of 500, 1,000, ~~and 2,000,~~ and 3,000 cycles per second shall be considered.
12 Hearing losses for frequencies below 500 and above ~~2,000~~ 3,000 cycles per second are
13 not to be considered as constituting compensable hearing disability. No consideration
14 shall be given to the question of whether or not the ability of an employee to understand
15 speech is improved by the use of a hearing aid. The board may order the employer to
16 provide the employee with an original hearing aid if it will materially improve the
17 employee's ability to hear;

18 (2) The percentage of hearing loss shall be calculated as the average, in decibels, of the
19 thresholds of hearing for the frequencies of 500, 1,000, ~~and 2,000,~~ and 3,000 cycles per
20 second. Pure tone air conduction audiometric instruments, properly calibrated according
21 to accepted national standards, such as ~~American Standards Association, Inc. (ASA);~~
22 International Standards Organization (ISO); or American National Standards Institute,
23 Inc. (ANSI), shall be used for measuring hearing loss. If more than one audiogram is
24 taken, the audiogram having the lowest threshold will be used to calculate occupational
25 hearing loss. If the losses of hearing average ~~15~~ 25 decibels ~~(26 db if ANSI or ISO)~~ or
26 less in the ~~three~~ four frequencies, such losses of hearing shall not constitute any

27 compensable hearing disability. If the losses of hearing average ~~82~~ 92 decibels (~~93 db if~~
28 ~~ANSI or ISO~~) or more in the ~~three~~ four frequencies, then the same shall constitute and
29 be total or 100 percent compensable hearing loss. In measuring hearing impairment, the
30 lowest measured losses in each of the ~~three~~ four frequencies shall be added together and
31 divided by ~~three~~ four to determine the average decibel loss. For each decibel of loss
32 exceeding ~~15~~ 25 decibels (~~26 db if ANSI or ISO~~) an allowance of 1 1/2 percent shall be
33 made up to the maximum of 100 percent which is reached at ~~82~~ 92 decibels (~~93 db if~~
34 ~~ANSI or ISO~~). In determining the binaural percentage of loss, the percentage of
35 impairment in the better ear shall be multiplied by five. The resulting figure shall be
36 added to the percentage of impairment in the poorer ear, and the sum of the two divided
37 by six. The final percentage shall represent the binaural hearing impairment;"

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SECTION 2.

39 All laws and parts of laws in conflict with this Act are repealed.