

(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 HEARING LOSS, AUDIOLOGIC DATA 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, SHALL BE USED TO CALCULATE A CLAIMANT'S AVERAGE HEARING LOSS.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, in conjunction with interested business entities, the Maryland Academy of Audiology shall develop a plan to reach the small business community and encourage the initiation of hearing conservation programs which include early employment hearing assessments and other currently available preventive measures. The Maryland Academy of Audiology will participate in developing educational materials to be disseminated to these businesses in order to promote their awareness of the legislative changes.~~

SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.

Approved May 11, 2000.