

9-656.

(a) If it appears that a permanent disability of a covered employee following an accidental PERSONAL injury or occupational disease is due partly to the accidental PERSONAL injury or occupational disease and partly to a preexisting disease or infirmity, the Commission shall determine:

(1) the proportion of the disability that is reasonably attributable to the accidental PERSONAL injury or occupational disease; and

(2) the proportion of the disability that is reasonably attributable to the preexisting disease or infirmity.

(b) The covered employee:

(1) is entitled to compensation for the portion of the disability of the covered employee that is reasonably attributable solely to the accidental PERSONAL injury or occupational disease; and

(2) is not entitled to compensation for the portion of the disability that is reasonably attributable to the preexisting disease or infirmity.

9-657.

(a) When entering into a contract of employment, an individual who has suffered the loss or loss of use of a hand, arm, foot, leg, or eye may waive any right to compensation to which the covered employee would be entitled because of the existing permanent partial disability in the event of a subsequent accidental PERSONAL injury or occupational disease.

(b) For a waiver under subsection (a) of this section to be effective, the waiver shall:

(1) be made in writing, as part of the contract of employment or as a separate instrument;

(2) plainly describe the existing permanent partial disability; and

(3) be executed by the employee:

(i) with knowledge of its contents; and

(ii) before the occurrence of an accidental PERSONAL injury or occupational disease on which a claim is based.

(c) If a covered employee who has executed a waiver in accordance with this section suffers an additional accidental PERSONAL injury or occupational disease, the covered employee is entitled to compensation for a disability resulting solely from the additional injury or occupational disease.