

combined effects of the previous impairment and the subsequent occurrence than it would have been from the subsequent compensable event alone, the employer or its insurer is liable only for the compensation payable under this title for the subsequent accidental PERSONAL injury, occupational disease, or compensable hernia.

(b) In addition to the compensation for which an employer or its insurer is liable, the covered employee is entitled to compensation from the Subsequent Injury Fund if:

(1) the covered employee has a permanent impairment due to a previous accident, disease, or congenital condition that is or is likely to be a hindrance or obstacle to the employment of the covered employee;

(2) the covered employee suffers a subsequent compensable accidental PERSONAL injury, occupational disease, or compensable hernia resulting in permanent partial or permanent total disability that is substantially greater due to the combined effects of the previous impairment and the subsequent compensable event than it would have been from the subsequent compensable event alone;

(3) the combined effects of the previous impairment and the subsequent accidental PERSONAL injury, occupational disease, or compensable hernia result in a permanent disability exceeding 50% of the body as a whole; and

(4) the previous impairment, as determined by the Commission at the time of the subsequent compensable event, and the subsequent accidental PERSONAL injury, occupational disease, or compensable hernia are each compensable for at least 125 weeks.

9-803.

(a) If a covered employee who has a permanent impairment due to a previous accident, disease, or congenital condition that is or is likely to be a hindrance or obstacle to the employment of the covered employee dies due in part to the previous impairment and in part to a subsequent accidental PERSONAL injury, occupational disease, or compensable hernia, the Commission shall determine the portion of death that is reasonably attributable to:

(1) the previous impairment; and

(2) the subsequent accidental PERSONAL injury, occupational disease, or compensable hernia.

(b) The employer or its insurer is liable for the compensation payable for the portion of the death of the covered employee that is reasonably attributable to the subsequent accidental PERSONAL injury, occupational disease, or compensable hernia.

(c) The Subsequent Injury Fund is liable for the remainder of the compensation payable as in cases of death resulting solely from an accidental PERSONAL injury, occupational disease, or compensable hernia.