

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36(4)(a).

In the introductory language of this section, the phrase "arising out of and in the course of the employee's employment", which formerly modified "accidental injury", is deleted as unnecessary in light of the definition of "accidental injury". As to the definition of "accidental injury", see § 9-101 of this title.

The third clause of the third sentence of former Art. 101, § 36(4)(a), which provided that a claimant who meets the requirements for compensation due to the worsening of a preexisting hernia is not required to prove that the hernia did not exist before the accidental injury or work-related strain, is deleted as unnecessary in light of the word "or", which makes it clear that a person who is eligible for compensation under item (1)(ii) of this section is not required to meet the requirements of item (1)(i) of this section.

Defined terms: "Accidental injury" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

9-505. OCCUPATIONAL DEAFNESS.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED, AN EMPLOYER SHALL PROVIDE COMPENSATION IN ACCORDANCE WITH THIS TITLE TO A COVERED EMPLOYEE FOR LOSS OF HEARING BY THE COVERED EMPLOYEE DUE TO INDUSTRIAL NOISE IN THE FREQUENCIES OF 500, 1,000, AND 2,000 CYCLES PER SECOND.

(B) SHORT-TERM EMPLOYER.

AN EMPLOYER IS NOT LIABLE FOR COMPENSATION FOR OCCUPATIONAL DEAFNESS UNDER SUBSECTION (A) OF THIS SECTION UNLESS THE COVERED EMPLOYEE CLAIMING BENEFITS WORKED FOR THE EMPLOYER IN EMPLOYMENT THAT EXPOSED THE COVERED EMPLOYEE TO HARMFUL NOISE FOR AT LEAST 90 DAYS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 25A(j) and the first sentence of (b).

The second sentence of former Art. 101, § 25A(b), which provided that an employer is not liable for compensation for loss of hearing in the frequencies above 2,000 cycles per second, is deleted as unnecessary in light of subsection (a) of this section.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the standards for measuring hearing loss under this section and § 9-649 of this title differ from the standards for measuring hearing loss under the Guides to the Evaluation of Permanent Impairment (American Medical Association, 2nd ed., 1985).