

Rather than measuring hearing loss by calculating the average of hearing levels at 3 frequencies (500, 1,000, and 2,000 Hz), the Guides requires hearing loss to be measured by calculating the average of hearing levels at 4 frequencies (500, 1,000, 2,000, and 3,000 Hz). In addition, the Guides sets 25 decibels and 91.7 decibels as the thresholds for no hearing loss and total hearing loss, rather than 15 decibels and 82 decibels. The General Assembly may wish to consider conforming this section to the Guides.

Defined terms: "Compensation" § 9-101

"Covered employee" § 9-101

9-506. COMPENSATION PROHIBITED.

(A) DELIBERATE ACT.

A COVERED EMPLOYEE OR A DEPENDENT OF A COVERED EMPLOYEE IS NOT ENTITLED TO COMPENSATION OR BENEFITS UNDER THIS TITLE AS A RESULT OF:

(1) AN INTENTIONAL, SELF-INFLICTED ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE; OR

(2) AN ATTEMPT TO INJURE OR KILL ANOTHER.

(B) DRUGS.

A COVERED EMPLOYEE OR A DEPENDENT OF A COVERED EMPLOYEE IS NOT ENTITLED TO COMPENSATION OR BENEFITS UNDER THIS TITLE AS A RESULT OF AN ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE IF:

(1) THE ACCIDENTAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE WAS CAUSED SOLELY BY THE EFFECT ON THE COVERED EMPLOYEE OF:

(I) A DEPRESSANT, HALLUCINOGENIC, HYPNOTIC, NARCOTIC, OR STIMULANT DRUG; OR

(II) ANOTHER DRUG THAT MAKES THE COVERED EMPLOYEE INCAPABLE OF SATISFACTORY JOB PERFORMANCE; AND

(2) THE DRUG WAS NOT ADMINISTERED OR TAKEN IN ACCORDANCE WITH THE PRESCRIPTION OF A PHYSICIAN.

(C) INTOXICATION.

A COVERED EMPLOYEE OR A DEPENDENT OF A COVERED EMPLOYEE IS NOT ENTITLED TO COMPENSATION OR BENEFITS UNDER THIS TITLE AS A RESULT OF AN ACCIDENTAL INJURY, COMPENSABLE