

(In effect as of January 1, 2006*)
 TABLE 20. OCCUPATIONAL HEARING LOSS STATUTES

STATE	IS O.H.L. COMPEN- SABLE	TIME LIMIT TO FILE	SEPARA- TION FROM NOISE BEFORE FILING	MINIMUM EXPOSURE IN LAST EMPLOY- MENT	HEARING LOSS FORMULA	PRESBY- CUSIS DEDUC- TION FOR AGING	DEDUC- TION FOR PRE- EXISTING LOSS	BENEFITS (SCHEDULED INJURY)	CHOICE OF PHYSICIAN	AURAL REHABILI- TATION PROVIDED	WAITING PERIOD	AWARD FOR TIN- NITUS (RING- ING NOISE)	
Alabama	Y	1 yr.	NIS	NIS	ME	N	Y	\$11,660	\$35,860	Carrier	P	N	1/
Alaska	Y	D-2 yrs.	NIS	NIS	ME	N	N	2/	2/	Employee	P	N	Y
Arizona	Y	1 yr.	NIS	NIS	59 AAOO	N	Y	26,400	79,200	Employee	Y	N	N
Arkansas	Y	2 yrs.	NIS	NIS	ME	N 3/	N	15,372	57,828	Carrier	Y	N	N
California	Y	D-1 yr.	NIS	NIS	79 AAOO	N	Y	\$3,120 4/	\$34,320 4/	Employer/ Employee	P	N	Y
Colorado	Y	2-3 yrs.	NIS	NIS	AMA	N	Y	7,679.70	30,499.38	Carrier	Y	N	N
Connecticut	Y	D-3 yrs.	NIS	NIS	59 AAOO	N	N	27,510	81,744	Employee	N	N	P
Delaware	Y	D-1 yr.	NIS	NIS	ME	N	Y	39,287	91,670	Employee	Y	N	P
Dist. of Col.	Y	1 yr.	6 mos.	NIS	47 AMA	P	Y	39,858	153,300	Employee	Y	N	P
Florida	Y	D-2 yrs.	NIS	NIS	ME	N	Y	5/	5/	Employer	Y	N	NIS
Georgia	Y	1 yr.	6 mos.	90 days	59 AAOO	N	Y	31,875	63,750	Carrier	Y	6 mos.	N
Hawaii	Y	D-2 yrs.	NIS	NIS	ME	N	N	34,008	130,800	Employee	P	N	Y
Idaho	Y	1 yr.	NIS	NIS	ME	N	Y	6/	58,147	Carrier	Y	N	NIS
Illinois	Y	3 yrs.	NIS	90 days	ME	N	Y	59,177	118,354	Employee	N	N	NIS
Indiana	Y 7/	2-3 yrs.	NIS	NIS	ME	N	Y	20,500	62,500	Carrier	Y	N	N
Iowa	Y	2 yrs.	1 mo.	90 days	ME	Y	Y	53,950	188,825	Carrier	Y	N	Y

*See Introduction page.

TABLE 20. OCCUPATIONAL HEARING LOSS STATUTES (cont.)

STATE	IS O.H.L. COMPENSABLE	TIME LIMIT TO FILE	SEPARATION FROM NOISE BEFORE FILING	MINIMUM EXPOSURE IN LAST EMPLOYMENT	HEARING LOSS FORMULA	PRESBYCUSIS DEDUCTION FOR AGING	DEDUCTION FOR PRE-EXISTING LOSS	BENEFITS (SCHEDULED INJURY) ONE EAR	BOTH	CHOICE OF PHYSICIAN	AURAL REHABILITATION PROVIDED	WAITING PERIOD	AWARD FOR TINNITUS (RINGING NOISE)
Kansas	Y	1 yr.	NIS	NIS	47 AMA	N	N	14,010	51,370	Carrier	Y	N	N
Kentucky	Y	D-2yrs.	N/A	N/A	8/	N	Y	N/A	N/A	Employee	N	N	N
Louisiana	Y	D-4 mos.	NIS	NIS	ME	Y	N	9/	9/	Carrier	Y	N	NIS
Maine	Y	2 yrs.	30 days	90 days	ANSI	Y	Y	27,120	108,480	Employee	Y	30 days	Y
Maryland	Y	2 yrs.	N/A	90 days	Attach and Send 9-650	Y	Y	32,125	192,474	Employee	Y	6 mos.	P
Massachusetts	Y	D-4 yrs.	NIS	NIS	ME	N	N	27,798	73,810	Employee	P	N	P
Michigan	N	D-4 mos.	NIS	NIS	ME	N	Y	10/	10/	Carrier	Y	N	N
Minnesota	Y	D-3 yrs.	NIS	NIS	ME	N	Y	N/A	38,500	Employee	Y	N	N
Mississippi	Y	D-2 yrs.	NIS	NIS	ME	N	Y	14,582.80	54,685.50	Employee	Y	N	P
Missouri	Y	D-1 yr.	6 mos	90 days	59 AAOO	Y	Y	17,889	65,714	Carrier	N	6 mos.	N
Montana	Y	1 yr.	NIS	NIS	NIS	N	N	NIS 2/	NIS 2/	Employee	NIS	N	N
Nebraska	Y	D-2 yrs.	NIS	NIS	59 AAOO	N	N*	30,000	11/	Employee	N	N	Y
Nevada	Y	D-90 days	NIS	NIS	79 AAOO	N	Y	12/	12/	Employee	P	N	Y
New Hampshire	Y	2 yrs.	NIS	NIS	ME	P	N	33,705	138,191	Employee	Y	N	Y
New Jersey	Y	D-1-2 yrs.	4 weeks	1 yr. 3 days 40 wks. 13/	ANSI	P	Y	11,040	64,400	Carrier	Y	4 weeks	Y

* Possibly - See 48-151(4): employer liable for degree of agravation of the preexisting occupational disease.

TABLE 20. OCCUPATIONAL HEARING LOSS STATUTES (cont.)

STATE	IS O.H.L COMPENSABLE	TIME LIMIT TO FILE	SEPARATION FROM NOISE BEFORE FILING	MINIMUM EXPOSURE IN LAST EMPLOYMENT	HEARING LOSS FORMULA	PRESBYCUSIS DEDUCTION FOR AGING	DEDUCTION FOR PRE-EXISTING LOSS	BENEFITS (SCHEDULED INJURY) ONE EAR	BOTH	CHOICE OF PHYSICIAN	AURAL REHABILITATION PROVIDED	WAITING PERIOD	AWARD FOR TINNITUS (RINGING NOISE)
New Mexico	Y	2 yrs./ 30 days	NIS	NIS	ME/AMA	NIS	Y	21,602	81,010	Carrier/ Employee	NIS	N	Y
New York	Y	14/	3 mos.	90 days	59 AAOO	N	Y	24,000	60,000	Panel	P	6 mos.	Y
North Carolina	Y	D-2 yrs.	6 mos.	90 days	59 AAOO	N	Y	51,600	109,500	Carrier	Y	6 mos.	N
North Dakota	Y	1 yr.	NIS	NIS	AMA	N	N	15/	15/	Employee	Y	N	N
Ohio	Y	6 mos.	NIS	NIS	ME	N	Y	17,600	88,000	Employee	Y	N	Y
Oklahoma	Y	D-2 yrs. 16/	NIS	NIS	AMA	NIS	Y	31,790	95,370	Carrier	Y	N	Y
Oregon	Y	D-180 days to 5 yrs.	NIS	NIS	500-6k	Y	Y	13,546.24 (I) 86,763.96 (WD)	42,777.60 (I) 145,080.72 (WD)	Employee	Y	N	Y
*Impairment Only (I) or Including Work Disability Because Unable to return to Regular Work (WD)													
Pennsylvania	Y	3 yrs.	NIS	NIS	AMA	N	Y	60 week max	260 week max	Panel	NIS	N	NIS
Rhode Island	Y	D-2 yrs.	6 mos.	NIS	59 AAOO	P	Y	min-3,375 max-6,750	min-6,750 max-13,500	Employee	Y	6 mos.	N
South Carolina	Y	D-2 yrs.	NIS	NIS	ME	P	Y	46,254	95,399	Carrier	Y	N	Y
South Dakota	Y	2 yrs.	6 mos	90 days	AMA	Y	Y	17/	70,200	Carrier	Y	N	N
Tennessee	Y	1-3 yrs.	NIS	NIS	ME	N	N	49,725	99,450	Panel	N	N	P
Texas	Y	1 yr. 18/	NIS	NIS	59 AAOO/AMA	N	N			EE	N	N	Y
Utah	Y	D-1 yr.	6 mos	NIS	ME	Y	Y	21,364	42,728	Carrier	N	6 mos	N
Vermont	Y	3 yr.	NIS	NIS	AMA	N	Y	AMA Guides	AMA Guides	Carrier	Y	N	Y

TABLE 20. OCCUPATIONAL HEARING LOSS STATUTES (cont.)

STATE	IS O.H.L. COMPEN- SABLE	TIME LIMIT TO FILE	SEPARA- TION FROM NOISE BEFORE FILING	MINIMUM EXPOSURE IN LAST EMPLOY- MENT	HEARING LOSS FORMULA	PRESBY- CUSIS DEDUC- TION FOR AGING	DEDUC- TION FOR PRE- EXISTING LOSS	BENEFITS (SCHEDULED INJURY) ONE EAR	BOTH	CHOICE OF PHYSICIAN	AURAL REHABIL- ITATION PROVIDED	WAITING PERIOD	AWARD FOR TIN- NITUS (RING- ING NOISE)
Virginia	Y	D-2 yrs.	NIS	NIS	59 AAOO	N	Y	36,800	73,600	Panel	Y	N	Y
Washington	Y	D-1 yr., or 2 yrs. for OD	NIS	NIS	59 AAOO	N	Y	19/	19/	Employee	NIS	N	P
West Virginia	Y	D-3 yrs.	NIS	60 days	59 AAOO	N	may apply	2/	2/	Employee	Y	N	P
Wisconsin	Y	None	7 days	90 days	CHABA	Y	Y	13,310	79,860	Employee	Y	N	N
Wyoming	Y	D-1 yr.	NIS	NIS	ME	P	N	5/	5/	Employee	Y	N	N

Abbreviations

O.H.L. - Occupational Hearing Loss
P - Possible
D - Discovery Rule (when injury discovered)
N - No
Y - Yes

ME - Medical evaluation
AMA - American Medical Association
AAOO - American Academy of Ophthalmology
and Otolaryngology
NIS - Not in statute
CHABA - Committee on Hearing, Bioacoustics and
Biomechanics (working group of the National
Academy of Sciences)
ANSI - American National Standards Institute
N/A - Not Available

Footnotes

1/ Alabama: Courts have the authority for establishing criteria to be used in determining the degree of hearing loss.
2/ Alaska, Montana, and West Virginia: Ratings for compensation purposes are determined as a percentage of permanent partial impairment of the whole person.
3/ Arkansas law was amended, effective April 5, 2005, affecting provisions for hearing loss
4/ California: Complete hearing loss in one ear is a 8% disability, while hearing loss in both ears is a 49% disability. These translate, for 2006, to \$3,120 and \$34,320 respectively, for standard disabilities.
5/ Florida and Wyoming : Benefits paid according to degree of impairment as is.
6/ Idaho: Weekly benefit amount is 55% of the State average weekly wage (SAWW).
7/ Indiana: Yes, if traumatic injury.
8/ Kentucky: Benefits for hearing loss of at least 8% impairment are based solely on AMA guidelines.
9/ Louisiana: No hearing loss schedule.
10/ Michigan: Hearing loss compensation based on wage loss.
11/ Nebraska: Loss of hearing in both ears constitutes permanent total disability.
12/ Nevada: Currently rating physicians and chiropractors rate hearing loss according to the AMA Guides to the Evaluation of Permanent Impairment, 5th Edition; ratings are subject to Nevada's apportionment statutes and regulations.
13/ New Jersey: As per NJSA 34:15-35.11 sections c and d, "Prolonged exposure" means exposure to hazardous noise in employment for a period of at least 1 year and "Habitual exposure" means exposure to noise exceeding the allowable daily dose, at least 3 days a week for at least 40 weeks each year.

TABLE 20. OCCUPATIONAL HEARING LOSS STATUTES (cont.)

- 14/ New York: Requires notice within 2 years or 90 days of knowledge that hearing loss is or was due to nature of employment.
- 15/ North Dakota: No longer scheduled injury-determined as a percentage of whole body impairment.
- 16/ Oklahoma: From date of last hazardous exposure.
- 17/ South Dakota: Monaural loss is determined as a percentage of binaural loss.
- 18/ Texas: 1 year from date of injury or 1 year from date knew or should have known occupational disease was related to employment.
- 19/ Washington State: Benefits based on percentage of disability, or combination thereof, at the time of injury or date of manifestation. OHL claims must be filed within 2 yrs of the date of last injurious exposure to occupational noise covered under this title. An OHL claim that is not timely filed can only be allowed for medical aid benefits.