

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

Do. Pass 3/26/81 (p. 910)

FEB 26 1981

SENATE FILE 320

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Approved 2/26 (p. 596)

(FORMERLY SSB 217)

Passed Senate, Date 3-16-81 (p. 805) Passed House, Date 4-15-81 (p. 1251)

Vote: Ayes 48 Nays 0 Vote: Ayes 95 Nays 0

Approved April 27, 1981

A BILL FOR

1 An Act relating to the performance of audiometric examinations
2 under the Iowa occupational hearing loss Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 85B.9, Code 1981, is amended to read
2 as follows:
3 85B.9 MEASURING HEARING LOSS. Pure tone air conduction
4 audiometric instruments, properly calibrated according to
5 accepted national standards used to define occupational hearing
6 loss shall be used for measuring hearing ~~loss~~ levels, and
7 the audiograms shall be taken and the tests given in an
8 environment ~~such as is~~ prescribed by accepted national
9 standards. If more than one audiogram is taken following
10 notice of an occupational hearing loss claim, the audiogram
11 having the lowest threshold ~~will~~ shall be used to calculate
12 occupational hearing loss. If the ~~losses~~ measured levels
13 of hearing average less than those levels that constitute
14 an occupational hearing loss, the losses of hearing are not
15 a compensable hearing disability. If the ~~losses~~ measured
16 levels of hearing average ninety-two decibels American national
17 standards institute (ANSI) or international standards
18 organization (ISO), or more in the four frequencies, then
19 the ~~losses-are~~ levels constitute total, or one hundred percent,
20 compensable hearing loss. In measuring hearing ~~impairment~~
21 loss the lowest measured ~~losses~~ levels in each of the four
22 frequencies shall be added together and divided by four to
23 determine the average decibel ~~loss~~ level. For each resulting
24 average decibel ~~of-loss~~ level exceeding twenty-five decibels
25 ANSI or ISO, an allowance of one and one-half percent shall
26 be made up to the maximum of one hundred percent, which is
27 reached at the average level of ninety-two decibels ANSI or
28 ISO. In determining the binaural percentage of loss, the
29 percentage of ~~impairment~~ loss in the better ear shall be
30 multiplied by five. The resulting figure shall be added to
31 the percentage of ~~impairment~~ loss in the poorer ear, and the
32 sum of the two divided by six. The final percentage shall
33 represent the binaural hearing ~~impairment~~ loss. Audiometric
34 examinations shall be made by a person who is certified by
35 the council of accreditation in occupational hearing

1 conservation or by persons trained by formal course work in
2 air conduction audiometry at an accredited educational
3 institution or licensed as audiologists under chapter 147,
4 as physicians under chapter 148, as osteopathic physicians
5 under chapter 150, or as osteopathic physicians and surgeons
6 under chapter 150A if such licensed persons are trained in
7 air conduction audiometry. The interpretation of the
8 audiometric examination shall be by the employer's regular
9 or consulting physician who is trained and has had experience
10 with such interpretation, or by a licensed audiologist. If
11 the employee disputes the interpretation, the employee may
12 select a physician similarly trained and experienced or a
13 licensed audiologist to give an interpretation of the
14 audiometric examination. This section is applicable in the
15 event of partial permanent or total permanent occupational
16 hearing loss in one or both ears.

17 EXPLANATION

18 This bill allows persons who are certified by the council
19 of accreditation in occupational hearing conservation to
20 perform audiometric examinations under chapter 85B, the Iowa
21 occupational hearing loss Act. The bill also makes corrective
22 amendments to section 85B.9.

23 The bill would become law July 1 following enactment.

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SENATE FILE 320

AN ACT

RELATING TO THE PERFORMANCE OF AUDIOMETRIC EXAMINATIONS UNDER
THE IOWA OCCUPATIONAL HEARING LOSS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 85B.9, Code 1981, is amended to read as follows:

85B.9 MEASURING HEARING LOSS. Pure tone air conduction audiometric instruments, properly calibrated according to accepted national standards used to define occupational hearing loss shall be used for measuring hearing ~~loss~~ levels, and the audiograms shall be taken and the tests given in an environment ~~such as is~~ prescribed by accepted national standards. If more than one audiogram is taken following notice of an occupational hearing loss claim, the audiogram having the lowest threshold ~~will~~ shall be used to calculate occupational hearing loss. If the ~~losses~~ measured levels

of hearing average less than those levels that constitute an occupational hearing loss, the losses of hearing are not a compensable hearing disability. If the ~~losses measured~~ levels of hearing average ninety-two decibels American national standards institute (ANSI) or international standards organization (ISO), or more in the four frequencies, then the ~~losses are~~ levels constitute total, or one hundred percent, compensable hearing loss. In measuring hearing ~~impairment~~ loss the lowest measured ~~losses~~ levels in each of the four frequencies shall be added together and divided by four to determine the average decibel ~~loss~~ level. For each resulting average decibel of-loss level exceeding twenty-five decibels ANSI or ISO, an allowance of one and one-half percent shall be made up to the maximum of one hundred percent, which is reached at the average level of ninety-two decibels ANSI or ISO. In determining the binaural percentage of loss, the percentage of ~~impairment loss~~ loss in the better ear shall be multiplied by five. The resulting figure shall be added to the percentage of ~~impairment loss~~ loss in the poorer ear, and the sum of the two divided by six. The final percentage shall represent the binaural hearing ~~impairment loss~~ loss. Audiometric examinations shall be made by a person who is certified by the council of accreditation in occupational hearing conservation or by persons trained by formal course work in air conduction audiometry at an accredited educational institution or licensed as audiologists under chapter 147, as physicians under chapter 148, as osteopathic physicians under chapter 150, or as osteopathic physicians and surgeons under chapter 150A if such licensed persons are trained in air conduction audiometry. The interpretation of the audiometric examination shall be by the employer's regular or consulting physician who is trained and has had experience with such interpretation, or by a licensed audiologist. If the employee disputes the interpretation, the employee may select a physician similarly trained and experienced or a licensed audiologist to give an interpretation of the

audiometric examination. This section is applicable in the event of partial permanent or total permanent occupational hearing loss in one or both ears.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 320, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved April 27, 1981

ROBERT D. RAY
Governor