

(II) DIVIDING THE TOTAL BY 3.

(3) TO ALLOW FOR THE AVERAGE AMOUNT OF HEARING LOSS FROM NONOCCUPATIONAL CAUSES FOUND IN THE POPULATION AT ANY GIVEN AGE, THERE SHALL BE DEDUCTED FROM THE TOTAL AVERAGE DECIBEL LOSS DETERMINED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ONE HALF OF A DECIBEL FOR EACH YEAR OF THE COVERED EMPLOYEE'S AGE OVER 40 AT THE TIME OF THE LAST EXPOSURE TO INDUSTRIAL NOISE.

(C) AMOUNT OF COMPENSABLE HEARING LOSS.

(1) IF THE AVERAGE HEARING LOSS IN THE 3 FREQUENCIES DETERMINED UNDER SUBSECTION (B) OF THIS SECTION IS 15 DECIBELS OR LESS, THE COVERED EMPLOYEE DOES NOT HAVE A COMPENSABLE HEARING LOSS.

(2) IF THE AVERAGE HEARING LOSS IN THE 3 FREQUENCIES DETERMINED UNDER SUBSECTION (B) OF THIS SECTION IS 82 DECIBELS OR MORE, THE COVERED EMPLOYEE HAS A 100% COMPENSABLE HEARING LOSS.

(3) FOR EVERY DECIBEL THAT THE AVERAGE HEARING LOSS EXCEEDS 15 DECIBELS, THE COVERED EMPLOYEE SHALL BE ALLOWED 1.5% OF THE COMPENSABLE HEARING LOSS UP TO A MAXIMUM OF 100% COMPENSABLE HEARING LOSS AT 82 DECIBELS.

(D) BINAURAL PERCENTAGE OF HEARING LOSS.

THE BINAURAL PERCENTAGE OF HEARING LOSS SHALL BE DETERMINED BY:

(1) MULTIPLYING THE PERCENTAGE OF HEARING LOSS IN THE BETTER EAR BY 5;

(2) ADDING THAT PRODUCT TO THE PERCENTAGE OF HEARING LOSS IN THE POORER EAR; AND

(3) DIVIDING THAT SUM BY 6.

(E) HEARING AID.

IN DETERMINING THE PERCENTAGE OF HEARING LOSS UNDER THIS SECTION, CONSIDERATION MAY NOT BE GIVEN TO WHETHER THE USE OF A HEARING AID IMPROVES THE ABILITY OF A COVERED EMPLOYEE TO UNDERSTAND SPEECH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 25A(c) through (f) and (i).

In subsection (b)(3) of this section, the former phrase "[b]efore determining the percentage of hearing impairment", is deleted as surplusage.