

2019 Regular Session

HOUSE BILL NO. 362

BY REPRESENTATIVE LYONS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL SERVICE/FIRE & POL: Grants certain workers' compensation benefits to members of the classified fire service

1 AN ACT

2 To amend and reenact R.S. 23:1221(4)(p) and R.S. 33:2581.1(A), relative to workers'
3 compensation; to provide with respect to benefits for hearing loss; to provide for
4 hearing loss benefits for the classified fire service; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1221(4)(p) is hereby amended and reenacted to read as follows:

7 §1221. Temporary total disability; permanent total disability; supplemental earnings
8 benefits; permanent partial disability; schedule of payments

9 Compensation shall be paid under this Chapter in accordance with the
10 following schedule of payments:

11 * * *

12 (4) Permanent partial disability. In the following cases, compensation shall
13 be solely for anatomical loss of use or amputation and shall be as follows:

14 * * *

15 (p) In cases not falling within any of the provisions already made, where the
16 employee is seriously and permanently disfigured or suffers a permanent hearing loss
17 ~~solely due to a single traumatic accident~~, or where the usefulness of the physical
18 function of the respiratory system, gastrointestinal system, or genito-urinary system,
19 as contained within the thoracic or abdominal cavities, is seriously and permanently
20 impaired, compensation not to exceed sixty-six and two-thirds percent of wages for

1 a period not to exceed one hundred weeks may be awarded. In cases where
 2 compensation is so awarded, when the disability is susceptible to percentage
 3 determination, compensation shall be established in the proportions set forth in
 4 Subparagraph (o) of this Paragraph. In cases where compensation is so awarded,
 5 when the disability is not susceptible to percentage determination, compensation as
 6 is reasonable shall be established in proportion to the compensation hereinabove
 7 specifically provided in the cases of specific disability.

8 * * *

9 Section 2. R.S. 33:2581.1(A) is hereby amended and reenacted to read as follows:

10 §2581.1. Development of hearing loss during employment in the classified fire
 11 service; occupational disease

12 A. Any loss of hearing which is ten percent greater than that of the affected
 13 employee's comparable age group in the general population and which develops
 14 during employment in the classified fire service in the state of Louisiana shall, for
 15 purposes of this Section only, be classified as a disease or infirmity connected with
 16 employment. The employee affected shall be entitled to indemnity benefits pursuant
 17 to R.S. 23:1221, not solely due to a single traumatic accident, and medical benefits
 18 including hearing prosthesis as granted by the laws of the state of Louisiana to which
 19 one suffering an occupational disease is entitled, regardless of whether the fireman
 20 is on duty at the time he is stricken with the loss of hearing. Such loss of hearing
 21 shall be presumed to have developed during employment and shall be presumed to
 22 have been caused by or to have resulted from the nature of the work performed
 23 whenever same is manifested at any time after the first five years of employment in
 24 such classified service. This presumption shall be rebuttable by evidence meeting
 25 judicial standards and shall be extended to an employee following termination of
 26 service for a period of twenty-four months.

27 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 362 Original

2019 Regular Session

Lyons

Abstract: Provides with respect to workers' compensation benefits for hearing loss.

Present law provides for workers' compensation wage percentages for certain injuries that qualify as permanent partial disabilities.

Present law provides that hearing loss is compensable and classified as a permanent partial disability when it is sustained in a single traumatic accident.

Proposed law retains present law regarding the compensability of the injury but deletes the requirement that any hearing loss suffered shall have been sustained as a result of a single traumatic accident.

Present law provides that any hearing loss that develops during employment in the classified fire service shall be entitled to medical benefits.

Proposed law retains present law regarding medical benefits and adds indemnity benefits, not solely due to a single traumatic accident, to be awarded to an employee of the classified fire service.

(Amends R.S. 23:1221(4)(p) and R.S. 33:2581.1(A))