

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2917

"AN ACT CONCERNING THE DEFINITION FOR OBJECTIVE EVIDENCE NECESSARY
TO PROVE PERMANENT DISABILITY IN OCCUPATIONAL HEARING LOSS CASES."

Amendment No. 1 to House Bill No. 2917.

Amend House Bill No. 2917 as originally introduced:

Delete everything following the enacting clause entirely and substitute the following:

"SECTION 1. Arkansas Code § 11-9-102(16)(A), concerning definitions used in worker's compensation law, is amended to read as follows:

"(16)(A)(i) "Objective findings" are those findings which cannot come under the voluntary control of the patient.

(ii) When determining physical or anatomical impairment, neither a physician, any other medical provider, an administrative law judge, the Workers' Compensation Commission, nor the courts may consider complaints of pain; for the purpose of making physical or anatomical impairment ratings to the spine, straight-leg-raising tests or range-of-motion tests shall not be considered objective findings.

(iii)(a) Objective evidence necessary to prove physical or anatomical impairment, in occupational hearing loss cases, may be established by medically recognized and accepted clinical diagnostic methodologies, including, but not limited to, audiological tests that measure air and bone conduction thresholds and speech discrimination ability.

(b) Any difference in the base line hearing levels must be confirmed with a subsequent test within the next four (4) weeks but not before five (5) days and adjusted for presbycusis."

AND

If appropriate, renumber the remaining sections of the bill



The Amendment was read _____
By: Representative Burris
KAC/TAT - 03-16-2005 16:22
KAC744

Chief Clerk