

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/18/05

A Bill

HOUSE BILL 2917

5 By: Representative Burris
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For An Act To Be Entitled

9 AN ACT CONCERNING THE DEFINITION FOR OBJECTIVE
10 EVIDENCE NECESSARY TO PROVE PERMANENT DISABILITY
11 IN OCCUPATIONAL HEARING LOSS CASES; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT CONCERNING THE DEFINITION FOR
16 OBJECTIVE EVIDENCE NECESSARY TO PROVE
17 PERMANENT DISABILITY IN OCCUPATIONAL
18 HEARING LOSS CASES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 11-9-102(16)(A), concerning definitions*
24 *used in worker's compensation law, is amended to read as follows:*

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

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

33 *(iii)(a) Objective evidence necessary to prove physical or*
34 *anatomical impairment, in occupational hearing loss cases, may be established*
35 *by medically recognized and accepted clinical diagnostic methodologies,*
36 *including, but not limited to, audiological tests that measure air and bone*



1 conduction thresholds and speech discrimination ability.
2 (b) Any difference in the base line hearing
3 levels must be confirmed with a subsequent test within the next four (4)
4 weeks but not before five (5) days and adjusted for presbycusis.

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/s/ Burris