



STATE OF WEST VIRGINIA
Offices *of the* Insurance Commissioner

James A. Dodrill
Insurance Commissioner

Notice Regarding Settlement of Hearing Loss Claims

**To: All Insurance Companies Doing Business in the State of West Virginia;
Self – Insured Employers and Third-Party Administrators**

RE: Senate Bill 531 – Hearing Loss Settlements

[Senate Bill 531](#) was enacted during the 2019 regular session of the West Virginia Legislature. The bill related to the compromise and settlement of workers' compensation claims; specifically hearing loss claims. Senate Bill 531 amended W.Va. Code §23-5-7 and went into effect on June 4, 2019.

The previous law provided that the claimant may negotiate a final settlement of any and all issues in a claim, provided that any settlement of the medical benefits for non-orthopedic occupational disease claims require the claimant to be represented by legal counsel. Senate Bill 531 amended the previous law by clarifying that the term “non-orthopedic occupational disease claim” does not include occupational hearing loss or hearing impairment claims for settlement purposes only.

As a result of this clarification, all insurers, self-insured employers and third-party administrators may negotiate a settlement directly with the claimant, **with or without legal representation**.

Please e-mail questions concerning Senate Bill 531 or any other West Virginia workers' compensation legislation to OICLegal@wv.gov or call (304) 558-0401.

James A. Dodrill
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