

From: [Wheeler, Bill](#)
To: [Wheeler, Bill](#)
Subject: FW: [EXTERNAL]
Date: Friday, February 7, 2020 3:05:40 PM

From: Dan & Vickie <dofallon@hughes.net>
Sent: Thursday, January 23, 2020 8:12 AM
To: Zimmerman, Cindy <Cindy.Zimmerman@mt.gov>
Subject: [EXTERNAL]

Ms. Zimmerman,

This correspondence is written in support of the proposed amendment of ARM 24.29.1407. I support the proposed change to update the definition of "Prosthesis" because it directly impacts my ability to receive ongoing medical benefits under my workers' compensation claim.

I worked for the Cascade County Sheriff's Department for forty years as a sheriff's deputy. Throughout the course of my career I was exposed to harmful noise that eventually caused permanent hearing loss. During my time working on patrol, patrol vehicles had sirens that were mounted overhead on the roof. These sirens were very loud and over time the sound caused permanent auditory damage. For a significant portion of my career, ear protection was not provided when fire arms were discharged for testing, practice, or other work-related use. This also contributed to my permanent hearing loss.

I was diagnosed with permanent hearing loss directly attributed to my employment in 2013. I filed a workers' compensation claim which was accepted by the insurer. Until 2018, the workers' compensation insurer paid for my medical treatment, including hearing aids. In January of 2018 the workers' compensation insurer informed me my medical benefits were terminated and I could no longer receive treatment, including replacement hearing aids, batteries, and audiological testing. I was informed that I could petition to re-open my medical benefits as long as the need for treatment will return me to work or keep me at work. However, after forty years of serving the Cascade County Sheriff's Department I retired in 2019. According to the Workers' Compensation Act, I cannot obtain further medical benefits by petitioning to reopen them and my life long need for hearing aids will no longer be covered because more than five years from my date of diagnosis have passed. It is appalling to me that an injured worker could be treated so inadequately and have no recourse.

I have permanent hearing loss caused by my employment. My condition will never improve. In order to hear I must have hearing aids for the rest of my life. It is wrong that I cannot receive further medical benefits for a device I am forced to rely on that will need continual replacement, repair, and a constant supply of batteries. I now must bear the burden of the cost. However, if the definition of prosthesis were amended to include hearing aids and

other similar devices, an injured worker in my position would be treated correctly under the Workers' Compensation Act. I strongly encourage and support the proposed amendment.

Dan O'Fallon

Commander Cascade County Sheriff's Department (retired)

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