

Thank you Chairman Brinkman, Vice Chair Henne, Ranking Member Boccerri and Members of the House Insurance Committee, I stand before you today to give Proponent Testimony on HB 99.

My name is Becky Maruca. I am the Project Director of the Respiratory and Occupational Lung Disease Clinic at East Ohio Regional Hospital in Martins Ferry, Ohio. Our clinic is one of sixteen HRSA grant funded black lung clinics in the United States. The clinic tests miners for lung disease. The extent of the testing depends on whether they are Department of Labor or West Virginia Workers' Compensation.

Determination of awards are based on levels of disability.

Disability Levels

Levels	FEV1	Degree
Level 1	> 80%	Mild
Level 2	60 – 79%	Moderate
Level 3	40 – 59%	Moderate Severe
Level 4	< 40%	Severe
Level 5	< 40%, homebound on oxygen	Extremely Severe

See Addendum A.

In Ohio, miners have one choice to file a black lung claim. Department of Labor is the only route a miner may pursue a claim. However, the Department of Labor claim's award is for 100% disability. The Department of Labor notifies the coal company when the miner files a claim. The coal company will fight the approval and have the miner tested by one of their physicians. The whole process may take up to three years for a final decision by a Department of Labor Administrative Law Judge.

DOL testing consists of:

- Spirometry
- Arterial blood gases pre- and post-exercise
- Black lung chest x-ray
- EKG

WV Compensation testing consists of:

- Spirometry
- Lung volumes
- Diffusion
- Arterial blood gases

Workers' compensation for black lung benefits could be more beneficial to Ohio miners. If awarded benefits would be based on their level of disability by medical clinical results. This would be a tremendous help to the miners if awarded. With this type of compensation, it could alleviate some medical and cost of living expenses.

East Ohio Regional Hospital 2017

- **182 miners tested**
- **87 Department of Labor tests**
 - **13 were eligible for benefits**
 - **4 died before benefits were awarded**
 - **1 miner was 93 years old when he received benefits**
- **17 miners would have received benefits using WV Workers' Compensation table**
- **More Level 1 miners possibly would have been awarded benefits using WV Workers' Compensation table**

Thank you for your time and consideration of HB 99. I welcome any questions you may have.

Addendum A

