

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 589

By: Senators J. Woods, J. Hutchinson
By: Representatives Williams, D. Whitaker

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE COMPENSABILITY OF MENTAL INJURY OR ILLNESS FOR EMERGENCY RESPONDERS; TO AMEND A PORTION OF THE ARKANSAS CODE WHICH RESULTED FROM INITIATED ACT 4 OF 1948; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR THE COMPENSABILITY OF MENTAL INJURY OR ILLNESS FOR EMERGENCY RESPONDERS AND TO AMEND A PORTION OF THE ARKANSAS CODE WHICH RESULTED FROM INITIATED ACT 4 OF 1948.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 11-9-113 is amended to read as follows:
11-9-113. Mental injury or illness.

(a)(1)(A) As used in this section, "emergency responder" means a compensated person or volunteer who:

(i) Responds to the scene of a disaster or an emergency; and

(ii) Is acting in an assigned role in public safety and emergency services.

(B) "Emergency responder" may include without limitation:

(i) Law enforcement officers;

(ii) Firefighters;

(ii) Emergency management personnel;



(iv) Emergency medical personnel; and

(v) Emergency service personnel.

(2) For purposes of this section and the payment of workers' compensation benefits, an emergency responder is considered an employee of:

(A) The emergency responder's employer as provided by § 12-75-129 if the emergency responder is compensated; or

(B) The employer providing the assigned role in public safety and emergency services if the emergency responder is a volunteer.

(b)(1) A mental injury or illness is not a compensable injury unless it is caused by physical injury to the employee's body, and shall not be considered an injury arising out of and in the course of employment or compensable unless it is demonstrated by a preponderance of the evidence; provided, however, that this physical injury limitation shall not apply to any victim of a crime of violence or to an emergency responder.

(2) No mental injury or illness under this section shall be compensable unless it is ~~also~~ diagnosed by a licensed psychiatrist or psychologist and unless the diagnosis of the condition meets the criteria established in the most current issue of the Diagnostic and Statistical Manual of Mental Disorders.

~~(b)(1)(c)(1)~~ (c)(1) Notwithstanding any other provision of this chapter, ~~where a claim is by reason of~~ for mental injury or illness, ~~the employee shall be is~~ limited to ~~twenty-six (26)~~ fifty-two (52) weeks of disability benefits.

(2)(A) ~~In case~~ If death results directly from the mental injury or illness within a period of one (1) year from the time compensation was last paid or two (2) years from the date of injury, whichever is longer, compensation shall be paid to the dependents as provided in other death cases under this chapter.

(B) Unless the decedent is an emergency responder, Death death directly or indirectly related to the mental injury or illness occurring one (1) year or more from the incident resulting in the mental injury or illness shall not be a compensable injury.