

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1951

By: Representative Collins

By: Senator J. Hendren

For An Act To Be Entitled

AN ACT TO AMEND CERTAIN PROVISIONS OF THE WORKERS' COMPENSATION LAW ENACTED BY INITIATED ACT NO. 4 OF 1948; TO REGULATE FINAL SETTLEMENTS OF CLAIMS INVOLVING JOINT PETITIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND CERTAIN PROVISIONS OF THE WORKERS' COMPENSATION LAW ENACTED BY INITIATED ACT NO. 4 OF 1948; AND TO REGULATE FINAL SETTLEMENTS OF CLAIMS INVOLVING JOINT PETITIONS.

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

SECTION 1. Arkansas Code § 11-9-805 is amended to read as follows:
11-9-805. Joint petition for final settlement.

(a)(1) ~~Upon~~ Except as provided in subdivision (a)(2) of this section,
upon petition filed by the employer or carrier and the injured employee requesting that a final settlement be had between the parties, the Workers' Compensation Commission shall hear the petition and take testimony and make investigations as may be necessary to determine whether a final settlement should be had.

(2)(A) If a claimant has been determined to be Medicare eligible, the parties may petition the commission for a partial settlement of all issues other than future medical treatment.

(B) A partial settlement under subdivision (a)(2) of this



section is final concerning all issues except future medical treatment.

(b)(1)(A) If the commission decides ~~it is for~~ that a final settlement award is in the best interests of the claimant that a final award be made, it parties, the commission may order an award that shall be final as to concerning the rights of all the parties to the joint petition.

(B) After the commission enters an order with regard to any full settlement, the commission shall not have jurisdiction over any claim for the same injury or any results arising from it.

(2)(A) Thereafter, the commission shall not have jurisdiction over any claim for the same injury or any results arising from it If the commission decides that a partial settlement award is in the best interests of the parties, the commission may order an award that shall be final concerning the partial settlement of the rights of all the parties to the joint petition.

(B) After the commission enters an order with regard to any partial settlement, the commission shall not have jurisdiction over any claim for the same injury or any results arising from it other than claims for future medical expenses.

(c) If an employee has returned to work or agreed to return to work, the commission shall not approve a joint petition which has allotted moneys for vocational rehabilitation or any indemnity benefits in excess of that payable as an anatomical impairment as established by objective and measurable findings.

(d) If the commission denies the petition, the denial shall be without prejudice to either party.

(e) ~~No~~ An appeal shall not lie from an order or award denying or approving a joint petition.