

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: H4/19/21  
**A Bill**

HOUSE BILL 1935

By: Representatives Wing, A. Collins, Fielding

By: Senator T. Garner

### **For An Act To Be Entitled**

AN ACT TO AMEND THE WORKERS' COMPENSATION LAW; TO PROVIDE FOR THE COMPENSABILITY OF MENTAL INJURY OR ILLNESS FOR EMERGENCY RESPONDERS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE WORKERS' COMPENSATION LAW;  
AND TO PROVIDE FOR THE COMPENSABILITY OF  
MENTAL INJURY OR ILLNESS FOR EMERGENCY  
RESPONDERS.

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 - Definitions.

(a)(1) As used in this section:

(A) "Emergency responder" means an employee who is:

(i) An emergency medical technician;

(ii) A paramedic;

(iii) An advanced emergency medical technician;

(iv) A firefighter, including an employee or crime fire scene investigator who is certified by the Arkansas Fire Protection Services Board;

(v) A law enforcement officer, appointed or elected, responsible for the prevention and detection of crime and the enforcement of criminal, traffic, and highway laws of this state; or



(vi) Any other emergency medical service worker with documented completion of forty (40) hours of curriculum approved by the National Highway Traffic Safety Administration;

(B) "Qualifying condition" means post-traumatic stress disorder as specified by the most current edition of the Diagnostic and Statistical Manual of Mental Disorders for which a qualifying event was the major cause; and

(C) "Qualifying event" means the claimant's direct exposure in the line of duty to an incident involving:

(i) The extraordinarily traumatic bodily injury or death of a person;

(ii) The serious injury, death, abuse, or exploitation of a minor;

(iii) An immediate threat to the life of the claimant or another person; or

(iv) Mass casualties.

(2) For purposes of this section and the payment of workers' compensation benefits, an emergency responder is considered an employee of the emergency responder's employer as provided by § 12-75-129.

(b)(1)(A) 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.

(B) ~~provided, however, that this~~ The physical injury limitation described in subdivision (b)(1)(A) of this section shall not apply to ~~any~~ a victim of a crime of violence or an emergency responder with a qualifying condition.

(2) ~~No~~ A mental injury or illness under this section shall not 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~~ edition of the Diagnostic and Statistical Manual of Mental Disorders.

~~(b)(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) weeks of disability benefits.

(2)(A) In the case that death results directly from the mental

injury or illness within a period of one (1) year, compensation shall be paid to the dependents of the claimants as provided in other death cases under this chapter.

(B) 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.

(d) An emergency responder is limited to three (3) claims in his or her lifetime for qualifying conditions under this section not to exceed the twenty-six (26) weeks of disability benefits provided in subdivision (c)(1) of this section.

(e) A claim by an emergency responder shall be filed within two (2) years from the qualifying event.

/s/Wing