

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 284

By: Senator J. Payton

## For An Act To Be Entitled

TO MODIFY THE EMPLOYER'S LIABILITY UNDER THE WORKERS' COMPENSATION LAW THAT RESULTED FROM INITIATED MEASURE 1948, NO. 4; AND FOR OTHER PURPOSES.

## Subtitle

TO MODIFY THE EMPLOYER'S LIABILITY UNDER THE WORKERS' COMPENSATION LAW THAT RESULTED FROM INITIATED MEASURE 1948, NO. 4.

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

SECTION 1. Arkansas Code § 11-9-508(c) and (d), concerning the system of managed health care established by the Workers' Compensation Commission, are amended to read as follows:

(c) In order to help control the cost of medical benefits, the commission, ~~on or before July 1, 1994, following a public hearing and with the assistance and cooperation of the State Insurance Department, is authorized and directed to establish appropriate rules to establish and implement~~ shall maintain a system of managed health care for the State of Arkansas.

(d) For the purpose of establishing and implementing a system of managed health care, the commission is authorized to:

(1) Develop rules for the certification of managed care entities to provide managed care to injured workers;

(2) Develop rules for peer review, service utilization, and resolution of medical disputes;



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(3) Prohibit “balance billing” from the employee, employer, or carrier;

(4)(A) Establish fees for medical services as provided in Workers’ Compensation Commission Rule 30 and its amendments.

(B) The commission shall make no distinction in approving fees from different classes of medical service providers or healthcare providers for provision of the same or essentially similar medical services or healthcare services as specified in this section; and

(5)(A)(i) Give the employer the right to choose the initial treating physician, ~~with the injured employee having the right to petition the commission for a one-time-only change of physician to one who is associated with a managed care entity certified by the commission or is to encourage continuity of care and improved outcomes, an injured worker has the right to be treated by~~ the regular treating physician of the employee who maintains the employee’s medical records and with whom the employee has a bona fide doctor-patient relationship demonstrated by a history of regular treatment prior to the onset of the compensable injury, ~~but only if the primary care physician agrees to refer the employee to a certified managed care entity for any specialized treatment,~~ including physical therapy, and only if such primary care physician agrees to comply with all the rules, terms, and conditions regarding services performed by the managed care entity initially chosen by the employer or otherwise agrees to the commission rules and fee schedule.

(ii) A treating physician shall make appropriate referrals to relevant specialists for necessary medical treatment if the primary care physician agrees to refer the employee to a certified managed care entity for any specialized treatment.

(iii) In addition to a change to the regular treating physician under subdivision (d)(5)(A)(i) of this section, no more than once per year, the injured employee has the right to petition the commission for a change of treating physician to:

(a) Another treating physician who is associated with a managed care entity certified by the commission or otherwise agrees to the commission rules and fee schedule; or

(b) An appropriate specialist physician who is associated with a managed care entity certified by the commission or

otherwise agrees to the commission rules and fee schedule.

(iv) This subdivision (5)(A) specifically recognizes that an injured employee may require treatment from multiple specialists and an injured worker may obtain one (1) change of a specialist physician per year for each relevant specialty.

(B) A petition for change of physician shall be expedited by the commission.

SECTION 2. Arkansas Code § 11-9-508, concerning the employer's liability for medical services under the Workers' Compensation Law, is amended to add an additional subsection to read as follows:

(g)(1) The employer shall petition the commission for approval of any independent medical exam.

(2) The petition described in subdivision (g)(1) of this section shall include the identity of, credentials of, and fees to be paid to the examiner conducting the independent medical exam and the stated purpose of the independent medical exam.

(3) All correspondence, records, and reports provided to the examiner conducting the independent medical exam shall be furnished to the claimant or claimant's counsel at the time the correspondence, records, and reports are transmitted to the examiner conducting the independent medical exam.

(4) A record or report generated by the examiner conducting the independent medical exam shall be promptly furnished to the claimant or claimant's counsel.

(5)(A) The claimant has the right to depose the examiner conducting the independent medical exam.

(B) If the claimant deposes the examiner conducting the independent medical exam under subdivision (g)(5)(A) of this section, the claimant shall:

(i) Pay a witness fee to the examiner conducting the independent medical exam at the rate specified under Commission Rule 099.30 (I)(P); and

(ii) Be responsible for payment of any court reporter expenses.

(6) This subsection applies to any record review, peer review,

report, second opinion, or consultation obtained by the employer for use in proceedings before the commission.