

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: H4/19/21

# A Bill

HOUSE BILL 1935

5 By: Representatives Wing, A. Collins, Fielding  
6 By: Senator T. Garner  
7

## For An Act To Be Entitled

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

16 TO AMEND THE WORKERS' COMPENSATION LAW;  
17 AND TO PROVIDE FOR THE COMPENSABILITY OF  
18 MENTAL INJURY OR ILLNESS FOR EMERGENCY  
19 RESPONDERS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 11-9-113 is amended to read as follows:  
25 11-9-113. Mental injury or illness - Definitions.

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

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

28 (i) An emergency medical technician;

29 (ii) A paramedic;

30 (iii) An advanced emergency medical technician;

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

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



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

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

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

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

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

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

16 (iv) Mass casualties.

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

20 (b)(1)(A) A mental injury or illness is not a compensable injury  
 21 unless it is caused by physical injury to the employee's body, and shall not  
 22 be considered an injury arising out of and in the course of employment or  
 23 compensable unless it is demonstrated by a preponderance of the evidence.

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

28 (2) ~~No~~ A mental injury or illness under this section shall not  
 29 be compensable unless it is also diagnosed by a licensed psychiatrist or  
 30 psychologist and unless the diagnosis of the condition meets the criteria  
 31 established in the most current ~~issue~~ edition of the Diagnostic and  
 32 Statistical Manual of Mental Disorders.

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

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

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

4 (B) Death directly or indirectly related to the mental  
5 injury or illness occurring one (1) year or more from the incident resulting  
6 in the mental injury or illness shall not be a compensable injury.

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

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

13 /s/Wing  
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