

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 1953

TO AMEND CERTAIN PROVISIONS OF THE WORKERS' COMPENSATION LAW THAT RESULTED FROM INITIATED ACT NO. 4 OF 1948.

Amendment No. 1 to House Bill No. 1953

Amend House Bill No. 1953 as originally introduced:

Page 1, delete lines 14 through 17, and substitute the following:
"COMPENSATION LAW; TO AMEND THE LAW REGARDING THE LIABILITY OF AN EMPLOYER FOR MEDICAL COSTS RELATED TO A COMPENSABLE INJURY; TO RESTORE CONSISTENCY IN TEMPORARY TOTAL DISABILITY BENEFIT AND EMPLOYEE MISCONDUCT DETERMINATIONS AFTER TERMINATION UNDER INITIATED ACT NO. 4 OF 1948; TO REGULATE FINAL SETTLEMENTS OF CLAIMS INVOLVING JOINT PETITIONS; AND FOR OTHER PURPOSES."

AND

Page 3, delete line 32, and substitute the following:
"whole by the settlement proceeds."

SECTION 7. Arkansas Code § 11-9-508(a), concerning the liability of an employer for medical services and supplies under the Workers' Compensation Law, is amended to read as follows:

(a)(1) The employer shall promptly provide for an injured employee such medical, surgical, hospital, chiropractic, optometric, podiatric, and nursing services and medicine, crutches, ambulatory devices, artificial limbs, eyeglasses, contact lenses, hearing aids, and other apparatus as may be reasonably necessary ~~in connection with~~ for treatment of the injury received by the employee.

(2) The compensable injury must be the major cause of the need for medical treatment."

AND

Page 3, line 34, delete "SECTION 7" and substitute "SECTION 8"

AND

Page 5, line 16, delete "SECTION 8" and substitute "SECTION 9"



AND

Page 5, delete line 32, and substitute the following:

"employer has the burden of proof by a preponderance of the evidence."

SECTION 10. 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."

The Amendment was read _____

By: Representative Collins
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Chief Clerk