



Business matters.

April 19, 2021

Chairman Jack Ladyman
& Members of House Committee on Public Health, Welfare, and Labor
Room C, MAC
Little Rock, Arkansas 72201

Dear Chair & Members of the Committee,

The Arkansas State Chamber of Commerce/Associated Industries of Arkansas, Inc. and the below-listed business organizations and entities wish to express our concern and opposition to HB1935, a bill seeking to significantly amend the workers' compensation law in Arkansas.

HB1935 would expand the benefits that employers are required to provide under workers' compensation and would also create different classes of employees, who would be entitled to different benefits under the law.

All Arkansas employers with more than three employees are required to provide workers' compensation coverage for their employees. This coverage provides a safety net to ensure that workers receive benefits and incur no out-of-pocket expenses for physical injuries, illnesses and deaths that occur in the workplace, without regard to fault or liability.

Currently under Arkansas law, benefits for a mental injury are provided only when they are the result of a work-related physical injury. HB1935 seeks to eliminate the physical injury requirement and extend benefits to individuals experiencing only symptoms of mental psychological injuries.

While this exception is well-intended for individuals employed as first responders, the result would be the creation of two different classes of employees potentially exposed to the same or similar events, who would receive different benefits under Arkansas law. Additionally, the costs for these injuries would be placed on all employers, not just the employers of those who are receiving these additional benefits.

The qualifying events as defined in HB1935 are not extraordinary or unusual to those individuals who work as first responders. Admirably, it is their chosen profession to render aid during emergency situations. However, creating an exception in the workers' compensation code, which applies to all employers in Arkansas is not a good idea. Why recognize psychological injuries for these professionals and not recognize other working Arkansans in emergency rooms, those providing end of life care, good Samaritans, plant supervisors or anyone else who might witness an accident in the course of their work?

A much better solution for these professionals would be to consider requiring their employer to provide additional mental health benefits through a special short- or long-term disability policy, or a specific insurance rider for psychological injuries that occur in the workplace.

This is a complicated issue, with potential consequences for all employers in Arkansas, and we respectfully ask that you oppose HB1935.



Business matters.

Arkansas State Chamber of Commerce/Associated Industries of Arkansas
Arkansas Hospital Association
Koontz Electric Company Inc.
McGeorge Contracting Company Inc.
Granite Mountain Quarries
Arkansas Trucking Association
The Poultry Federation
Arkansas Oil Marketers Association Inc.
Agricultural Council of Arkansas
American Property Casualty Insurance Association
Arkansas Dental Association
Rogers Lowell Area Chamber of Commerce
Nabholz Construction