

2 State of Arkansas
3 88th General Assembly
4 Regular Session, 2011

A Bill

SENATE BILL 727

5
6 By: Senator Madison

7 Filed with: Interim Senate Committee on Public Health, Welfare and Labor
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO PROVIDE FOR THE COMPENSABILITY OF MENTAL
11 INJURY OR ILLNESS FOR EMERGENCY RESPONDERS; TO AMEND
12 A PORTION OF THE ARKANSAS CODE WHICH RESULTED FROM
13 INITIATED ACT 4 OF 1948; AND FOR OTHER PURPOSES.

Subtitle

14
15 TO PROVIDE FOR THE COMPENSABILITY OF
16 MENTAL INJURY OR ILLNESS FOR EMERGENCY
17 RESPONDERS AND TO AMEND A PORTION OF THE
18 ARKANSAS CODE WHICH RESULTED FROM
19 INITIATED ACT 4 OF 1948.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code § 11-9-113 is amended to read as follows:
26 11-9-113. Mental injury or illness.

27 (a)(1) As used in this section, "emergency responder" means a
28 compensated person or volunteer who:

29 (A) Responds to the scene of a disaster or an emergency;
30 and

31 (B) Is acting in an assigned role in public safety and
32 emergency services.

33 (2) "Emergency responder" may include without limitation:

34 (A) Law enforcement officers;

35 (B) Firefighters;

36 (C) Emergency management personnel;

1 (D) Emergency medical personnel; and

2 (E) Emergency service personnel.

3 (b)(1) A mental injury or illness is not a compensable injury unless
4 it is caused by physical injury to the employee's body, and shall not be
5 considered an injury arising out of and in the course of employment or
6 compensable unless it is demonstrated by a preponderance of the evidence;
7 provided, however, that this physical injury limitation shall not apply to
8 any victim of a crime of violence or to an emergency responder.

9 (2) No mental injury or illness under this section shall be
10 compensable unless it is ~~also~~ diagnosed by a licensed psychiatrist or
11 psychologist and unless the diagnosis of the condition meets the criteria
12 established in the most current issue of the Diagnostic and Statistical
13 Manual of Mental Disorders.

14 ~~(b)(1)(c)(1)~~ Notwithstanding any other provision of this chapter,
15 ~~where a claim is by reason of~~ for mental injury or illness, ~~the employee~~
16 ~~shall be~~ is limited to ~~twenty-six (26)~~ fifty-two (52) weeks of disability
17 benefits.

18 (2)(A) ~~In case~~ If death results directly from the mental injury
19 or illness within a period of one (1) year from the time compensation was
20 last paid or two (2) years from the date of injury, whichever is longer,
21 compensation shall be paid to the dependents as provided in other death cases
22 under this chapter.

23 (B) Unless the decedent is an emergency responder, Death
24 death directly or indirectly related to the mental injury or illness
25 occurring one (1) year or more from the incident resulting in the mental
26 injury or illness shall not be a compensable injury.

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28 Referred by the Arkansas Senate

29 Prepared by: ANS/VJF

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