

INTERIM STUDY PROPOSAL 2025-030

State of Arkansas  
95th General Assembly  
Regular Session, 2025

*As Engrossed: S3/17/25*

**A Bill**

SENATE BILL 287

By: Senator J. Payton

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

**For An Act To Be Entitled**

AN ACT TO MODIFY CERTAIN ATTORNEY FEES FOR  
CONTROVERTED MEDICAL EXPENSES, APPEALS, AND CHANGES  
OF PHYSICIANS UNDER THE WORKERS' COMPENSATION LAW  
THAT RESULTED FROM INITIATED MEASURE 1948, NO. 4; AND  
FOR OTHER PURPOSES.

**Subtitle**

TO MODIFY CERTAIN ATTORNEY FEES FOR  
CONTROVERTED MEDICAL EXPENSES, APPEALS,  
AND CHANGES OF PHYSICIANS 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 § 11-9-715 is amended to read as follows:

11-9-715. Fees for legal services.

(a)(1)(A) Fees for legal services rendered in respect of a claim shall  
not be valid unless approved by the Workers' Compensation Commission.

(B) Attorney's fees shall be twenty-five percent (25%) of  
compensation for indemnity benefits payable to the injured employee or  
dependents of a deceased employee. ~~Attorney's fees shall not be awarded on  
medical benefits or services except as provided in subdivision (a)(4) of this  
section.~~

1                   (C) Attorney's fees regarding controverted medical  
 2 benefits shall be twelve and one-half (12½%) of the controverted medical  
 3 benefits up to a maximum fee of five thousand dollars (\$5,000).

4                   (2)(A) Whenever the commission finds that a claim against the  
 5 Treasurer of State, as custodian of the Second Injury Trust Fund or as  
 6 custodian of the Death and Permanent Total Disability Trust Fund, has been  
 7 controverted, in whole or in part, the commission shall direct that fees for  
 8 legal services be paid from the fund, in addition to compensation awarded,  
 9 and the fees shall be allowed only on the amount of compensation controverted  
 10 and awarded from the fund.

11                   (B)(i)(a) In all other cases whenever the commission finds  
 12 that a claim has been controverted, in whole or in part, the commission shall  
 13 direct that fees for legal services regarding indemnity benefits be paid to  
 14 the attorney for the claimant as follows:

15                                 (1) One-half (½) of the fees for legal  
 16 services by the employer or carrier in addition to compensation awarded; and

17                                 (2) ~~one-half~~ One-half (½) of the fees  
 18 for legal services by the injured employee or dependents of a deceased  
 19 employee out of compensation payable to them.

20                                 (b) The fees for legal services regarding  
 21 controverted medical benefits shall be paid by the employer or carrier, in  
 22 addition to the medical benefits awarded.

23                                 (ii) The fees for legal services shall be allowed  
 24 only on the amount of compensation for indemnity benefits controverted and  
 25 awarded.

26                                 (iii)(a) In all other cases, whenever the commission  
 27 finds that a claim has been controverted in whole or in part the commission  
 28 shall direct that fees for legal services regarding indemnity benefits be  
 29 paid to the attorney for the claimant as follows:

30                                         (1) One-half (½) by the employer or  
 31 carrier in addition to compensation awarded; and

32                                         (2) One-half (½) by the injured employee  
 33 or dependents of the deceased employee out of the compensation payable to  
 34 them.

35                                 (b) Fees for legal services regarding  
 36 controverted medical benefits shall be paid by the employer or carrier, in

1 addition to the medical benefits awarded.

2 ~~(iii)~~(iv) However, the commission shall not find  
3 that a claim has been controverted if the claimant or his or her  
4 representative has withheld from the respondent during the period of time  
5 allotted for the respondent to determine its position any medical information  
6 in his or her possession which substantiates the claim.

7 (C)(i) Whenever the commission finds that a claim has not  
8 been controverted but further finds that bona fide legal services have been  
9 rendered in respect to the claim, then the commission shall direct the  
10 payment of the fees by the injured employee or dependents of a deceased  
11 employee out of the compensation awarded.

12 (ii) In determining the amount of fees when a claim  
13 is not controverted, the commission shall use its discretion in awarding an  
14 attorney's fee not to exceed twenty-five percent (25%) and in so doing shall  
15 take into consideration the nature, length, and complexity of the services  
16 performed and the benefits resulting to the compensation beneficiaries.

17 (3) In any case where attorney's fees are allowed by the  
18 commission, the limitations expressed in ~~the first sentence herein~~  
19 subdivision (a)(1) of this section shall apply.

20 (4) Medical providers may voluntarily contract with the attorney  
21 for the claimant to recover disputed bills, and the attorney may charge a  
22 reasonable fee to the medical provider as a cost of collection.

23 (b)(1) If the claimant prevails on appeal, the attorney for the  
24 claimant shall be entitled to an additional fee at the full commission and  
25 appellate court levels in addition to the fees provided in subdivision (a)(1)  
26 of this section, the additional fee to be paid equally by the employer or  
27 carrier and by the injured employee or dependents of a deceased employee, as  
28 provided above and set by the commission or appellate court.

29 (2) The maximum fees allowable pursuant to this subsection shall  
30 be the sum of ~~five hundred dollars (\$500)~~ two thousand five hundred dollars  
31 (\$2,500) on appeals to the full commission from a decision of the  
32 administrative law judge and the sum of ~~one thousand dollars (\$1,000)~~ five  
33 thousand dollars (\$5,000) on appeals to the Court of Appeals or Supreme Court  
34 from a decision of the commission.

35 (3) In determining the amount of fees, the commission and the  
36 court shall take into consideration the nature, length, and complexity of the

1 services performed and the benefits resulting to the compensation  
2 beneficiary.

3 (c)(1) The fee for legal services rendered by the claimant's attorney  
4 in connection with a change of physician requested by the injured employee,  
5 controverted by the employer or carrier and awarded by the commission, shall  
6 be ~~two hundred dollars (\$200)~~ one thousand dollars (\$1,000).

7 (2) ~~No additional fee shall~~ An additional fee shall not be  
8 payable with respect to uncontroverted charges incurred in connection with  
9 treatment by the new physician.

10 (d)(1) ~~No fees~~ Fees for legal services rendered by the claimant's  
11 attorney with respect to the preliminary conference procedure shall not be  
12 awarded by the commission.

13 (2) However, the claimant's attorney or other representative may  
14 charge a reasonable fee to the claimant for representation in connection with  
15 the conference.

16 (3) Unless compensability of a claim is controverted by the  
17 employer or carrier, fees for legal services by the claimant's attorney with  
18 respect to disability for loss of wage-earning capacity shall be payable only  
19 for amounts awarded at a contested hearing which exceed the amount, if any,  
20 which the employer or carrier agreed in writing to accept at the preliminary  
21 conference.

22 (e) The amendments made by ~~this act of 2001~~ Acts 2001, No. 1281,  
23 regarding attorney's fees contained in this section shall be effective with  
24 respect to benefits payable in connection with disability or death due to  
25 injuries occurring on or after July 1, 2001, and before the effective date of  
26 this act.

27 (f) The amendments made by this act regarding attorney fees contained  
28 in this section shall be effective with respect to benefits payable in  
29 connection with disability or death due to injuries occurring on or after the  
30 effective date of this act.

31  
32 /s/J. Payton  
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35 Referred requested by the Arkansas Senate

36 Prepared by: ANS/AMS