

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2152

4  
5 By: Representative Wilson  
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## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 11-9-701 PERTAINING TO THE  
10 REPORTING PERIOD OF NOTICE OF AN INJURY; TO AMEND 11-9-523  
11 PERTAINING TO INCREASING THE PERIOD OF TIME AN EMPLOYEE  
12 MUST PROVIDE NOTICE OF A HERNIA TO THE EMPLOYER; AND FOR  
13 OTHER PURPOSES."

## Subtitle

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16 "TO AMEND ARKANSAS CODE 11-9-701  
17 PERTAINING TO NOTICE OF AN INJURY; TO  
18 AMEND 11-9-523 PERTAINING TO NOTICE OF A  
19 HERNIA TO THE EMPLOYER."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code 11-9-701 is amended to read as follows:

24 "11-9-701. Notice of injury or death.

25 (a)(1) Unless an injury either renders the employee physically or  
26 mentally unable to do so, or is made known to the employer immediately after  
27 it occurs, the employee shall report the injury to the employer on a form  
28 prescribed or approved by the Workers' Compensation Commission within one  
29 hundred and forty-four (144) hours of the occurrence of the injury and to a  
30 person or at a place specified by the employer, ~~and the employer shall not be~~  
31 ~~responsible for disability, medical, or other benefits prior to receipt of the~~  
32 ~~employee's report of injury.~~

33 (2) All reporting procedures specified by the employer must be  
34 reasonable and shall afford each employee reasonable notice of the reporting  
35 requirements.

36 (3) The foregoing shall not apply when an employee requires

1 emergency medical treatment outside the employer's normal business hours;  
 2 however, in that event, the employee shall cause a report of the injury to be  
 3 made to the employer on the employer's next regular business day.

4 (b)(1) Failure to give the notice shall not bar any claim:

5 (A) If the employer had knowledge of the injury or death;

6 (B) If the employee had no knowledge that the condition or  
 7 disease arose out of and in the course of the employment; or

8 (C) If the commission excuses the failure on the grounds that  
 9 for some satisfactory reason the notice could not be given.

10 (2) Objection to failure to give notice must be made at or before  
 11 the first hearing on the claim."

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13 SECTION 2. Arkansas Code 11-9-523 is amended to read as follows:

14 "11-9-523. Compensation for disability - Hernia.

15 (a) In all cases of claims for hernia, it shall be shown to the  
 16 satisfaction of the Workers' Compensation Commission:

17 (1) That the occurrence of the hernia immediately followed as the  
 18 result of sudden effort, severe strain, or the application of force directly  
 19 to the abdominal wall;

20 (2) That there was severe pain in the hernial region;

21 (3) That the pain caused the employee to cease work immediately;

22 (4) That notice of the occurrence was given to the employer within  
 23 ~~forty-eight (48)~~ one hundred and forty-four (144) hours thereafter; and

24 (5) That the physical distress following the occurrence of the  
 25 hernia was such as to require the attendance of a licensed physician within  
 26 ~~seventy-two (72)~~ one hundred and forty-four (144) hours after the occurrence.

27 (b)(1) In every case of hernia, it shall be the duty of the employer  
 28 forthwith to provide the necessary and proper medical, surgical, and hospital  
 29 care and attention to effectuate a cure by radical operation of the hernia, to  
 30 pay all reasonable expenses in connection therewith, and, in addition, to pay  
 31 compensation not exceeding a period of twenty-six (26) weeks.

32 (2) In case the employee shall refuse to permit the operation, it  
 33 shall be the duty of the employer to provide all necessary first aid, medical  
 34 and hospital care and service, to supply the proper and necessary truss or  
 35 other mechanical appliance to enable the employee to resume work, to pay all  
 36 reasonable expenses in connection therewith, and, in addition, to pay

1 compensation not exceeding a period of thirteen (13) weeks.

2 (c) In case death results within a period of one (1) year, either from  
3 the hernia or from the radical operation thereof, compensation shall be paid  
4 the dependents as provided in other death cases under this chapter.

5 (d) Recurrence of the hernia following radical operation thereof shall  
6 be considered a separate hernia, and the provisions and limitations regarding  
7 the original hernia shall apply."

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9 SECTION 3. All provisions of this act of a general and permanent nature  
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 4. If any provision of this act or the application thereof to  
14 any person or circumstance is held invalid, such invalidity shall not affect  
15 other provisions or applications of the act which can be given effect without  
16 the invalid provision or application, and to this end the provisions of this  
17 act are declared to be severable.

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19 SECTION 5. All laws and parts of laws in conflict with this act are  
20 hereby repealed.

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