

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 1339

4  
5 By: Representative D. Evans  
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## For An Act To Be Entitled

8  
9 AN ACT TO REGULATE WORKERS' COMPENSATION  
10 BENEFITS; TO REQUIRE COMPENSATION FOR THE INITIAL  
11 MEDICAL TREATMENT AND DRUG TESTING OF ALL WORK-  
12 RELATED INJURIES; TO AMEND A PORTION OF ARKANSAS  
13 CODE WHICH RESULTED FROM INITIATED ACT 4 OF 1948;  
14 AND FOR OTHER PURPOSES.  
15

## Subtitle

16  
17 TO REQUIRE COMPENSATION FOR THE INITIAL  
18 MEDICAL TREATMENT AND DRUG TESTING OF  
19 ALL WORK-RELATED INJURIES; AND AMEND A  
20 PORTION OF ARKANSAS CODE WHICH RESULTED  
21 FROM INITIATED ACT 4 OF 1948.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 11-9-401, derived from Initiated Act 4 of  
27 1948, is amended to read as follows:

28 11-9-401. Employer's liability for compensation and initial diagnosis,  
29 treatment, and testing of work-related injuries.

30 (a)(1) Every employer should secure compensation to its employees and  
31 pay or provide compensation for their disability or death from compensable  
32 injury arising out of and in the course of employment without regard to fault  
33 as a cause of the injury.

34 (2) ~~There shall be~~ Except as provided in subsection (c) of this  
35 section, no liability exists for compensation under this chapter where the  
36 injury or death was substantially occasioned by the willful intention of the



1 injured employee to bring about such compensable injury or death.

2 (b) The primary obligation to pay compensation is upon the employer,  
3 and the procurement of a policy of insurance by an employer to cover the  
4 obligation in respect to this chapter shall not relieve the employer of the  
5 obligation.

6 (c)(1) As used in this subsection (c):

7 (A) "Initial diagnosis" means the analysis and testing of  
8 an injured employee sufficient to stabilize the injured employee's medical  
9 condition; and

10 (B) "Initial treatment" means the administration of all  
11 medicine, procedures, and services to an injured employee sufficient to  
12 stabilize the injured employee's medical condition.

13 (2) The employer shall pay for the initial diagnosis, initial  
14 treatment, and drug and alcohol testing of all work-related injuries up to a  
15 maximum of five thousand dollars (\$5,000) regardless of whether the injury is  
16 ultimately determined to be a "compensable injury" under § 11-9-102.

17 (3) A hospital, clinic, physician's office, or other medical  
18 care provider shall:

19 (A) Perform a test of the injured employee for the  
20 presence of drugs and alcohol if requested by the employer or injured  
21 employee;

22 (B) Provide the results of the test to the employer and  
23 injured employee within twelve (12) hours after administering the test;

24 (C) Safeguard the chain of custody and validity of the  
25 test results; and

26 (D) Release to the employer or injured employee upon  
27 request a sample of the specimen used for the test sufficient to enable  
28 additional testing.

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