

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1951

5 By: Representative Collins
6 By: Senator J. Hendren
7

For An Act To Be Entitled

9 AN ACT TO AMEND CERTAIN PROVISIONS OF THE WORKERS'
10 COMPENSATION LAW ENACTED BY INITIATED ACT NO. 4 OF
11 1948; TO REGULATE FINAL SETTLEMENTS OF CLAIMS
12 INVOLVING JOINT PETITIONS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND CERTAIN PROVISIONS OF THE
16 WORKERS' COMPENSATION LAW ENACTED BY
17 INITIATED ACT NO. 4 OF 1948; AND TO
18 REGULATE FINAL SETTLEMENTS OF CLAIMS
19 INVOLVING JOINT PETITIONS.
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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 § 11-9-805 is amended to read as follows:
26 11-9-805. Joint petition for final settlement.

27 (a)(1) ~~Upon~~ Except as provided in subdivision (a)(2) of this section,
28 upon petition filed by the employer or carrier and the injured employee
29 requesting that a final settlement be had between the parties, the Workers'
30 Compensation Commission shall hear the petition and take testimony and make
31 investigations as may be necessary to determine whether a final settlement
32 should be had.

33 (2)(A) If a claimant has been determined to be Medicare
34 eligible, the parties may petition the commission for a partial settlement of
35 all issues other than future medical treatment.

36 (B) A partial settlement under subdivision (a)(2) of this



1 section is final concerning all issues except future medical treatment.

2 (b)(1)(A) If the commission decides ~~it is for~~ that a final settlement
3 award is in the best interests of the ~~claimant that a final award be made, it~~
4 parties, the commission may order an award that shall be final ~~as to~~
5 concerning the rights of all the parties to the joint petition.

6 (B) After the commission enters an order with regard to
7 any full settlement, the commission shall not have jurisdiction over any
8 claim for the same injury or any results arising from it.

9 (2)(A) ~~Thereafter, the commission shall not have jurisdiction~~
10 ~~over any claim for the same injury or any results arising from it~~ If the
11 commission decides that a partial settlement award is in the best interests
12 of the parties, the commission may order an award that shall be final
13 concerning the partial settlement of the rights of all the parties to the
14 joint petition.

15 (B) After the commission enters an order with regard to
16 any partial settlement, the commission shall not have jurisdiction over any
17 claim for the same injury or any results arising from it other than claims
18 for future medical expenses.

19 (c) If an employee has returned to work or agreed to return to work,
20 the commission shall not approve a joint petition which has allotted moneys
21 for vocational rehabilitation or any indemnity benefits in excess of that
22 payable as an anatomical impairment as established by objective and
23 measurable findings.

24 (d) If the commission denies the petition, the denial shall be without
25 prejudice to either party.

26 (e) ~~No~~ An appeal shall not lie from an order or award denying or
27 approving a joint petition.

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