

# Workers Compensation Benefit Overview – Arkansas

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

## Indemnity Issues

Temporary Total Benefits	<p><b>As of 1/01/09 state maximum is \$550, minimum \$20</b>            Rate is based on 66 2/3% of Gross Average Weekly Wage            Waiting period is 7 days excluding date of injury payable after 14 days of lost time.            Temporary Total Disability limited to 450 weeks.</p>
Temporary Partial Benefits	<p><b>As of 1/01/09 state maximum \$522, minimum \$20</b>            Paid at 66 2/3% of the difference between the pre-injury average weekly wage and post injury earnings.            Limited to 450 weeks.</p>
Permanent Partial Benefits	<p><b>As of 1/01/09 state maximum \$413, minimum \$20.</b>            If the Total Disability rate is \$205.35 or greater, then the PPD maximum is 75% of the Total Disability rate, rounded to the nearest whole dollar, up to \$413 per week. If the Total Disability is less than \$205.35, PPD is 66 2/3% of the worker's AWW, up to a maximum of \$154 (§11-9-501(d)(1) .            There are scheduled injuries for every body part excluding the neck, back, and shoulders which are whole body injuries based on 450 weeks. The impairment percentage is multiplied by the total number of weeks corresponding to the rated body part. See §11-9-521 for schedule.</p>
Permanent Total Benefits	<p><b>For claims with a date of injury prior to 01/01/08:</b>            Permanent Total Benefits are paid up to the maximum \$75,000.            Permanent Total Benefits over \$75,000 are paid by the Arkansas Death and Permanent Total Disability Trust Fund.            Benefits paid toward Permanent Partial Benefits count towards the \$75,000 cap. The state requires a Form AR –D be filed each January for a claim where Permanent Total Benefits are being paid. The state will issue a certificate of acceptance with the date they will take over payment.</p>

	<p><b>For claims with a date of injury on or after 01/01/08:</b>  <b>Permanent Total Benefits are paid up to a maximum of \$178,750.</b>  Permanent Total Benefits over \$178,750 are paid by the Arkansas Death and Permanent Total Disability Trust Fund.  Benefits paid toward Permanent Partial Benefits count towards the \$178,750 cap. The state requires a Form AR –D be filed each January for a claim where Permanent Total Benefits are being paid. The state will issue a certificate of acceptance with the date they will take over payment.</p>
Fatality Benefits	<p>\$6,000 towards funeral. Fatality benefits are paid to those who were financially dependent on the claimant. The rate is based on different percentages of the average weekly wage depending on the number and who the dependents are.  Widows, widowers, children, brothers, sisters, parents, grandchildren, grandparents can be found to be dependents.  See AR Code §11-9-527.  For claims with a date of injury prior to 01/01/08, fatality benefits cap is \$75,000 except in the case of a widow remarrying she will receive a lump sum payment of 104 weeks of benefits regardless if the cap has been reached. For claims with a date of injury on or after 01/01/08, fatality benefits cap is <b>\$178,750</b>.</p>
Vocational Rehabilitation	Not mandatory
Settlement Allowed	Full and final settlements allowed (Joint Petition Settlement)
Cap on benefits, exceptions	<p>For claims with a date of injury prior to 01/01/08, 450 weeks temporary total, \$75,000 permanent total cap.  For claims with a date of injury on or after 01/01/08, 450 weeks temporary total, <b>\$178,750</b> permanent total cap.</p>


## Medical Issues

Initial Choice of Provider	The employer/carrier has choice of the initial treating physician.
Change of Provider	<p>The claimant can contact Arkansas Workers' Compensation Commission for a one time change of doctor. The doctor must be associated with the managed care entity chosen by the Employer or the regular treating doctor of the claimant.  If employer doesn't have contract with managed care organization, the claimant can select any doctor that is associated with any managed care organization certified by the commission.</p>

Medical Fee Schedule	From the Commission Website: The official Medical Fee Schedule of the Arkansas Workers Compensation Commission shall be based on the Health Care Financing Administration's (HCFA) Medicare Resource Based Relative Value Scale, using HCFA's National relative value units and Arkansas-specific conversion factors adopted by the AWCC. Parties using this scale should also be familiar with Commission rule 30, the most current CPT, the Health Care Financing Administration Common Procedure Coding System and the ASA Relative Value Guide.
Managed Care	Yes, see Rule 99.33. Managed care becomes effective when the insurance carrier/ employer or self insured has either contracted with a certified MCO or the insurance carrier/ self insured or employer has obtained certification of it's internal managed care system ICMS and Notice Form H has been posted in accordance With Commission Rule 99.07.
Utilization Review	Utilization review mandatory for all managed care arrangements.
Treatment Guidelines	None convenient
Medical Mileage Reimbursement Rate	<b>As of 05/01/08 the mileage reimbursement rate is 43 cents a mile.</b>
Ability to Terminate Medical Treatment	Yes, with medical to support that treatment is no longer necessary.
Settlement Allowed	Full and final settlements allowed. Processed through a formal hearing in front of an Administrative Law Judge.
Cap on benefits, exceptions	No cap on medical benefits

## Other Issues

Staff Counsel	Law Offices of Scott Campbell 10810 Executive Center Drive Ste 215 Little Rock AR 72211-4398
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Must be filed within 2 years from the date of last injurious exposure.



Second Injury Fund availability	Currently operating but legislative proposal seeks to abolish it.
Other Offset Opportunities	No

State workers compensation website link: [WWW.AWCC.STATE.AR.US](http://WWW.AWCC.STATE.AR.US)

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