

## Protecting the interests of self-insurers in the state of Arkansas

### President's Message

Hi hope everyone is having a great 2025 so far. It has been a whirlwind of a start for ASIA. We had legislative issues to deal with and our Annual Conference this month.

First of all, I am so proud of our legislative committee. Carol and team have done a great job of keeping us all informed of potential bills that had a huge impact on workers' compensation laws in Arkansas. Because of their efforts, we were able to keep these bills from being passed. They did a great job of alerting us and showing how we can make a difference. Thank you to all of our ASIA Board members on the legislative committee (Carol Worley- Head, Karen McKinney, Shannon Newton, Nathan Culp, Misty Petrus and Faye Lockett).

The annual conference was a great success. Melinda Cox, our Executive Director, did a great job of setting it all up and getting great speakers for the event. We had well over 200 attendees, 30 vendors, and over 10 sponsors that supported the conference. It was a great success.

I am so proud of our ASIA Board and the work they are doing to help all employers in Arkansas. What a great state to live and work in. If you know of a company that has employees in the state, please encourage them to join ASIA. It is a great organization with great resources. Thank you

Mark C Bennage  
Senior Director Risk Management  
President, Snowwis Assurance Company

### Legislative Committee

While we didn't anticipate any activity at the legislature in the 2025 session, we were compelled to address six different bills that were filed, with five by sponsored by Representative Payton and one co-sponsored by Senator English and Representative Cozart. Notably, ATLA played a pivotal role in driving the five bills filed by Payton. Although we did not expect these bills to advance beyond the committee stage, three of those filed by Payton successfully did so as did SB598 (see below).

None of Payton's bills made it to a floor vote though and all were referred back for study in the Interim Committee. SB598 prevailed and is now Act 743. Below is a quick summary of what was introduced:

- SB284 and SB288 – would allow for an annual change of physician and allow claimant to treat with his PCP and any doctor the PCP referred claimant to. It would have taken away respondent's ability to question medical treatment with an IME by requiring a judge to approve any such evaluation. This, in effect, would take the right to control medical treatment away from the employer and have a negative impact on the ability to settle claims economically.
- SB285 – substantially increased wage cap for establishing the AWW and indemnity rates from the State's annually calculated AWW to \$120,000.
- SB286 – allowed lost wages for scheduled injuries.
- SB287 – allowed claimant's attorney a fee on controverted medical and increased the fee for claimant's attorneys for prevailing on appeal from \$500/\$1,000 to \$2,500/\$5,000 for FC /COA appeals respectively.
- SB598 – changed the definition of employee in §11-9-102 and the determination of whether an individual is an employee vs. independent contractor under §11-9-103 to the factors required under the Empower Independent Contractors Act of 2019, as amended. This should create more consistency in how the employment relationship is determined in several state agencies, including comp.

As five of the bills were referred back for further study, we anticipate efforts to facilitate collaboration between Labor/ATLA and Management/ASIA/State Chamber to establish a mutually acceptable list of changes for introduction at the next session.

Furthermore, I have engaged with the AWCC regarding potential Rule change to address air ambulance bills under Rule 30, in addition to any other proposed changes we might want to be considered. Public Employee Claims currently has an appeal pending before Judge Fine on this subject, and we opted to postpone further action until that opinion is filed. It is worth noting that initiating Rule changes involves a complex process. We will keep you update on that one too.

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