

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS:

EO 20 – 19

EXECUTIVE ORDER TO AMEND EXECUTIVE ORDER 20-03 FOR THE PURPOSE OF SUSPENDING PROVISIONS REGARDING WORKERS COMPENSATION QUALIFICATIONS IN THE STATE OF ARKANSAS FOR FIRST RESPONDERS AND FRONT-LINE HEALTH CARE WORKERS

WHEREAS: An outbreak of coronavirus disease 2019 (COVID-19) has spread throughout the world resulting in a global pandemic; and

WHEREAS: On March 11, 2020, by Executive Order 20-03, an emergency was declared in the state as a result of COVID-19, and that emergency is on-going; and

WHEREAS: COVID-19 continues to spread throughout the United States and Arkansas; and

WHEREAS: In response to COVID-19, significant measures have been taken by Executive Order and Directives by the Secretary of Health to limit person-to-person contact, restrict gatherings, and suspend businesses that require significant person-to-person interaction; and

WHEREAS: All Arkansas citizens must observe proper social distancing, and the Department of Health has issued a directive on proper social distancing protocols for businesses, manufacturers, construction companies, and places of worship; and

WHEREAS: First responders and front-line healthcare workers have, and continue to serve Arkansans in this epidemic, potentially exposing themselves in the process; and

WHEREAS: I have determined that a suspension of certain provisions of Arkansas Code are necessary to reduce the risk of economic hardship and physical wellbeing to first responders and front-line healthcare workers who may experience medical care costs and wage loss due to exposure to COVID-19;

NOW, THEREFORE, I, Asa Hutchinson, Governor of the State of Arkansas, acting under the authority vested in me by Ark. Code Ann. §§ 12-75-101, *et seq.*, do hereby amend Executive Order 20-03 declaring an emergency in the State of Arkansas, and order the suspension of provisions of Arkansas Code regarding Workers Compensation for the duration of this emergency in the following manner:

- (1) Suspend provisions of Ark. Code Ann. § 11-9-601(C)(2) that currently require a contagious or infectious disease be contracted in or in immediate connection to a hospital or sanitorium to allow first responders and front-line healthcare workers to seek workers compensation for exposure to COVID-19 in the line of duty outside of those settings; and
- (2) Suspend provisions of Ark. Code Ann. § 11-9-601(C)(3) that currently bars compensation for exposure to a disease to which the general public is exposed to allow first responders and front-line healthcare workers to seek workers compensation for exposure to COVID-19 if contracted in the line of duty; and
- (3) Define exposure to COVID-19 as an “unusual and unpredicted incident” under Ark. Code Ann. § 11-9-114, as it pertains to pulmonary and respiratory accidents that are the major cause of injury, illness, or death to first responders and front-line healthcare workers for the duration of this emergency; and
- (4) Pursuant to this Order, first responders and front-line health care workers who test positive for COVID-19 may be eligible for workers compensation if they can demonstrate a causal connection, as required by law, between their diagnosis of COVID-19 and exposure to COVID-19 as a result of their employment or occupation; and

- (5) Claims for workers compensation due to exposure to COVID-19 must be actually incurred due to one's employment and not due to exposure outside the line of duty; and
- (6) Authority granted pursuant to this Order is effective as of the issuance of Executive Order 20-03 and shall automatically expire when the state of emergency is terminated, or at such other time as I may direct in a subsequent Executive Order;

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 13th day of April, in the year of our Lord 2020.



A handwritten signature in blue ink, reading "Asa Hutchinson", written over a horizontal line.

Asa Hutchinson, Governor