

Workers' Compensation: Registered Volunteer Health Practitioner

ACA 12-87-11

A registered volunteer health practitioner injured or killed while engaging in emergency management duties ordered by the State or a political subdivision is entitled to workers' compensation from either the State or the political subdivision in control of the emergency management.

Workers' Compensation coverage

(a) In this section, "injury" means a physical or mental injury or disease for which an employee of this state who is injured or contracts the disease in the course of the employee's employment would be entitled to benefits under the workers' compensation or occupational disease law of this state.

(b) A registered volunteer health practitioner who dies or is injured as the result of providing health or veterinary services pursuant to this chapter is deemed to be an employee of this state for the purpose of receiving benefits for the death or injury under the workers' compensation or occupational disease law of this state if:

(1) the practitioner is not otherwise eligible for such benefits for the injury or death under the law of this or another state; and

(2) the practitioner, or in the case of death the practitioner's personal representative, elects coverage under the workers' compensation or occupational disease law of this state by making a claim under that law; and

(3) the practitioner is acting under the control or direction of the Arkansas Department of Emergency Management, the Governor, or another state government agency.

(c) The Arkansas Department of Emergency Management shall certify to the Public Employee Claims Division of the State Insurance Department the names and registration information for each registered volunteer health practitioner working in this state under this chapter.

(d) (1) Benefits payable for the injury or death of a registered volunteer health practitioner covered by this chapter shall be limited to the provisions of the Workers' Compensation Law, § 11-9-101 et seq. Benefits are payable if the injury or death occurred while the person was:

(A) actually engaged in emergency service duties, either during training or during a period of emergency; and

(B) under the supervision and instruction and subject to the order or control of, or serving pursuant to a request of, the Governor, the Arkansas Department of Emergency Management, or the chief executive officer of a county or local government unit making use of registered volunteer health practitioners.

(2) The remedy provided in this section shall be the exclusive remedy as against the state and political subdivisions of the state.

(3)

(A) For the purpose of workers' compensation coverage in cases of injury to or death of an individual, a registered volunteer health practitioner is deemed a state employee and shall receive compensation and a survivor of a registered volunteer health practitioner shall receive death benefits in the same manner as a regular state employee for injury or death arising out of and in the course of activities as registered volunteer health practitioners.

(B) If the registered volunteer health practitioner was under the order or control of a state agency when injured or killed, compensation and benefits shall be charged against the experience rate of the Arkansas Department of Emergency Management and paid from the appropriate state workers' compensation fund.

(4)

(A) For the purpose of subdivision (d)(3) of this section, the weekly compensation benefits for a registered volunteer health practitioner who receives no monetary compensation for services rendered as a worker under this chapter shall be calculated based upon the wages received from his or her regular or usual employment, the same as a regular state employee, with respect to injury, disability, or death.

(B) The reimbursement of twenty-five dollars (\$25.00) or less for out-of-pocket expenses for gasoline, oil, uniforms, required equipment, or similar expenses incurred in response to an emergency situation shall not be construed to be monetary compensation for the registered volunteer health practitioner.