STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS: EO 20-22

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 REPONDERS, ARKANSAS NATIONAL GUARD SOLDIERS AND AIRMEN ON STATE ACTIVE DUTY, 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, Arkansas National Guard Soldiers and Airmen on State Active Duty, and front-line healthcare workers have served 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 20-19 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(e)(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;

(2) Suspend provisions of Ark. Code Ann. § 11-9-601(e)(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;

(3) Define "unusual and unpredicted incident" under Ark. Code Ann. § 11-9-114, to include exposure to COVID-19 as a pulmonary and respiratory accident that may be the major cause of injury, illness, or death to first responders, Arkansas National Guard Soldiers and Airmen on State Active Duty, and front-line healthcare workers for the duration of this emergency;

(4) Define "first responders" to include, but not be limited to, emergency response providers who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment in the following fields: (a) fire; (b) law enforcement; (c) emergency response; (d) emergency medical professionals; and (e) any other personnel determined to be eligible by the Arkansas Workers Compensation Commission;

(5) Define "front-line healthcare workers" to include healthcare professionals who provide: (a) treatment, diagnosis, care, or mitigation of COVID-19; (b) assessment or care of an individual with a confirmed or suspected case of COVID- 19; or (c) otherwise provides services determined by the Arkansas Workers Compensation Commission to mitigate COVID-19 that are consistent with this Order;

(6) Pursuant to this Order, first responders, Arkansas National Guard Soldiers and Airmen on State Active Duty, and front-line healthcare 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;

(7) 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

(8) 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 21st day of April, in the year of our Lord 2020.

Asa Hutchinson, Governor