



11-9-113. Mental injury or illness.

(a)(1) A mental injury or illness is not a compensable injury unless it is caused by physical injury to the employee's body, and shall not be considered an injury arising out of and in the course of employment or compensable unless it is demonstrated by a preponderance of the evidence; provided, however, that this physical injury limitation shall not apply to any victim of a crime of violence.

(2) No mental injury or illness under this section shall be compensable unless it is also diagnosed by a licensed psychiatrist or psychologist and unless the diagnosis of the condition meets the criteria established in the most current issue of the Diagnostic and Statistical Manual of Mental Disorders.

(b)(1) Notwithstanding any other provision of this chapter, where a claim is by reason of mental injury or illness, the employee shall be limited to twenty-six (26) weeks of disability benefits.

(2)(A) In case death results directly from the mental injury or illness within a period of one (1) year, compensation shall be paid the dependents as provided in other death cases under this chapter.

(B) Death directly or indirectly related to the mental injury or illness occurring one (1) year or more from the incident resulting in the mental injury or illness shall not be a compensable injury.

Case law:

Mental Injury

*PARSON V. ARK. METHODIST HOSP, 103 Ark. App. 178 (2008)
Neuropsychological testing is not objective medical evidence of closed head trauma. Diagnosis of a concussion is not objective medical evidence.*

*PAT SALMON & SONS INC. V. PATE, 2009 Ark. App. 272 Subdivision
(b)(1) did not violate equal protection since the legislature had a legitimate public purpose for distinguishing between mental and physical injuries.*