



# Arkansas Insurance Department

*Mike Huckabee, Governor*

*Mike Pickens, Commissioner*

## LEGAL DIVISION

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DIRECTIVE 2-2001

TO: HEALTH INSURANCE COMPANIES DOING BUSINESS IN ARKANSAS

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: CLARIFICATION OF EXCLUSION FOR COVERAGE FOR INJURIES THAT OCCUR  
"WITHIN THE COURSE AND SCOPE OF EMPLOYMENT"

Health insurance policies exclude from coverage payment for injuries that are "work-related" -- that is injuries that occur "within the course and scope of employment" -- because those injuries are properly covered by statutorily-mandated workers' compensation policies. The dispositive decision as to whether an injury occurs "within the course and scope of employment" is determined by the provisions of Act 796 of 1993 (and any other Acts passed by the Arkansas General Assembly), the Arkansas Workers' Compensation Commission and, in those cases appealed from the Commission, the Arkansas Court of Appeals or Arkansas Supreme Court.

However, it should be noted that, once the Arkansas Workers' Compensation Commission or, in cases of appeals from the Commission, the Arkansas appellate court(s) of competent jurisdiction render a final decision holding that an injury did not occur "within the course and scope of employment," then a health insurer may NOT exclude that injury from coverage on the basis that the injury was "work-related."

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Mike Pickens  
Insurance Commissioner