

RULE 099.20 REPORTING COSTS, TRANSCRIPTION COSTS, WITNESS FEES #099.20

I. Hearings, Transcriptions.

A. The expense of taking and transcribing a hearing, including expenses incurred as a result of providing a non-English language interpreter where necessary, before the Arkansas Workers' Compensation Commission (Commission) or administrative law judge (ALJ) shall be borne by the respondents.

B. Provided, however, that no such expense shall be assessed against the Death and Permanent Total Disability Trust Fund or the Second Injury Trust Fund unless the Commission or an ALJ determines that such expense is justified and directs the Death and Permanent Total Disability Trust Fund or the Second Injury Trust Fund to pay such expense or some portion thereof.

II. Depositions.

A. The expense or cost of reporting and transcribing depositions, including expenses incurred as a result of providing a non-English language interpreter where necessary, shall be borne by the respondents, except as indicated herein below.

B. The expense or cost of reporting and transcribing depositions, including expenses incurred as a result of providing a non-English language interpreter where necessary, taken prior to the time a case is controverted shall be borne by the party requesting authorization to take said deposition.

C. The cost of reporting and transcribing depositions, including expenses incurred as a result of providing a non-English language interpreter where necessary, taken after a case has been controverted, and where said depositions are to be made a part of the record, shall be borne by the respondents.

III. Witnesses.

The charge or fee made by the attending witness at depositions or hearings shall be paid as follows:

A. The party who seeks to introduce or is relying upon the testimony of a witness shall be liable for the attendance fee of said witness.

B. All other witnesses shall be paid by the party which is responsible as set out in subsequent paragraphs.

IV. Providers.

A. In the event a written report of a physician, osteopath, chiropractor or other provider is offered in evidence and the right of cross-examination is requested, it will be granted.

B. The party offering the report must produce the author of the report for cross-examination, but the attendance fee or charge of the witness is the liability of the party requesting cross-examination.

C. In other types of written reports or evidence, the party offering the report shall, at his expense, produce the author of the report for cross-examination.

D. If the Commission or ALJ sends a claimant to a physician, osteopath, chiropractor or other provider for examination or treatment, the cost of the examination or treatment is the liability of the respondents.

E. If a written report of a doctor selected by the Commission or ALJ is offered in evidence and cross-examination is requested, it will be granted; however, the party requesting cross-examination shall be liable for payment of the doctor's witness fee.

V. Uninsured Employers.

The foregoing rules do not apply in the case of an uninsured employer where it is found he is not subject to the workers' compensation laws.

(Effective March 1, 1982; amended March 26, 1982; amended September 20, 2001.)