

## SELF ASSESSMENT TEST

1. An injured worker is not an employee of a homeowner unless, within 90 days of the injury, worked 52 hours and earned more than \$100.00?  
 True     False
2. An employee of a contractor may sue the hirer of the contractor when the person who hired an independent contractor to do inherently dangerous work but fails to provide in the contract or in some other manner that special precautions be taken to avert the peculiar risks of that work?  
 True     False
3. An employee of an independent contractor can not sue the hirer of the contractor on a negligent hiring theory?  
 True     False
4. A hirer of an independent contractor is not liable to an employee of the contractor merely because the hirer retained control over safety conditions at the worksite?  
 True     False
5. The hirer of an independent contractor may be liable to an injured contractor's employee because the hirer had furnished the employee with a defective forklift that had contributed to his injury?  
 True     False
6. The hirer as landowner may be independently liable to the contractor's employee even if id does not retain control over the work?  
 True     False
7. California Insurance Guarantee Association is not liable for penalties under Labor Code §5814 issued after January 1, 2004, based on an insolvent insurer's pre-liquidation delay?  
 True     False
8. An industrially injured seasonal employee is entitled to temporary disability indemnity at two rates: (1) an in season rate based on the employee's in season earnings capacity and (2) an off season rate based on the employee's off season earnings capacity?  
 True     False
9. An Appeal Board en banc decision is binding precedent and that principle remains true where a petition for writ of review has been filed or even granted?  
 True     False
10. A motion affecting class status must be made prior to any proceedings on the merits of the claim and, at the latest, before a decision is announced?  
 True     False
11. A reviewing court is precluded from substituting its view of the evidence for that of the Appeals Board?  
 True     False
12. In general, temporary disability indemnity is payable during the injured

- worker's healing period from the injury until the worker has recovered sufficiently to return to work, or until his/her condition reaches permanent and stationary status?  
 True     False
13. In evaluating a psychiatric injury, the proper focus is not on how much stress should be felt an employee in his work environment, based on a normal reaction to it, but how stress is felt by an individual worker reacting uniquely to the work environment?  
 True     False
  14. Stipulations pursuant to Labor Code §5702 ordinarily bind the assenting parties?  
 True     False
  15. The Appeals Board is also bound by stipulations of the parties and the stipulations may be set aside for good cause?  
 True     False
  16. When an employee is determined to be medically eligible and chooses to participate in a vocational rehabilitation program, he or she continues to receive temporary disability indemnity payments only until his or her medical condition becomes permanent and stationary and thereafter, may receive a maintenance allowance?  
 True     False
  17. The new Labor Code §§4663 and 4664 to apply to all pending cases prospectively from the date of enactment of SB899, regardless of date of injury, and regardless if discovery was closed on the date of enactment?  
 True     False
  18. An employee is not entitled to be compensated for permanent disability resulting from a new industrial injury to the extent that this permanent disability is overlapped by prior permanent disability, even where the prior permanent disability involves and/or includes different regions of the body?  
 True     False
  19. After an injured worker's case is settled by a compromise and release with a *Thomas* finding, the lien claimant has the burden of proof to show that the worker sustained an industrial injury and that the medical treatment was required to cure of relieve the effects of the industrial injury?  
 True     False
  20. The WCAB's discretion is limited to determining whether the amount of the lien is reasonable in relation to the medical services rendered to treat the employee's industrial injuries?  
 True     False

## CERTIFICATION

- This self-study activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of one hour.
- The State Bar of California certified that this activity conforms to the standards for approved education activities prescribed by the Rules and Regulations of the State Bar of California governing Minimum Continuing Legal Education (MCLE).

### How to receive 1 hour of MCLE credit:

- After reading this issue of the *Appeals Board Reporter*, answer the test questions. Each question has only one answer. You may photocopy the answer sheet, but the answer sheet should not be reduced or enlarged.
- Mail the form and \$25 processing fee to:
 

**Providence Publications**  
**P.O. Box 2610**  
**Granite Bay, CA 95746**
- Make your check payable to Providence Publications. (If you are an *Appeals Board Reporter* subscriber, you do not have to submit the \$25.00 processing fee for the first four self assessment tests each year.)
- Correct answers and a Continuing Legal Education certificate will be mailed to you within four weeks.
- Make sure you retain the CLE certificate for compliance with State Bar MCLE bi-annual certification.

\_\_\_\_\_

Name

\_\_\_\_\_

Lawfirm/Organization

\_\_\_\_\_

Address

\_\_\_\_\_

City

\_\_\_\_\_

State/Zip Code

\_\_\_\_\_

State Bar Number