

## SELF ASSESSMENT TEST

1. Attorney fees are available to the injured worker's attorney when successful proceedings are initiated to challenge a defendant's refusal to authorize a treatment covered by an award of medical care?

True  False

2. Serious and willful misconduct is established when it can be shown that the employer knew of the existence of a dangerous condition and turns his mind away from the fact that the injury to his employees will probably result if the employer failed to take appropriate precautions for their safety?

True  False

3. To avoid duplication and pyramiding when a single injury causes multiple factors of disability within a single body part, the proper procedure is to combine all of the greater disability with half of the lesser disability?

True  False

4. To be a special mission and therefore an exception to the going and coming rule, the activity must be substantially connected to the employment and material benefit to the employer?

True  False

5. Duty status alone is the determining factor as to whether the injured worker's injury is compensable?

True  False

6. In determining whether the injurious activity is a "reasonable expectancy" of employment, the trier of fact must determine (1) whether the employee subjectively believes participation is expected by the employer and (2) whether that belief is objectively reasonable under the circumstances of the case?

True  False

7. The 'reasonable expectancy' test focuses on the voluntary nature of the employee's participation in an activity and is the crucial factor in determining the work-relatedness of an activity for purposes of imposing workers' compensation liability?

True  False

8. The reasonable expectancy test articulated by *Ezzy* deals not with duty status alone but places the burden on the employee to objectively demonstrate he or she reasonably believed participation in the activity was expressly or impliedly required by employment?

True  False

9. An applicant does not have a right to an expedited hearing to address the issues of temporary disability indemnity payments and the entitlement to medical treatment?

True  False

10. The employer's objection to the treating physician's recommendation for spinal surgery must be on the written form prescribed by the Administrative Director within 10 days of the receipt of the report recommending surgery?

True  False

11. An employer is estopped from raising the statute of limitations applies only if it failed to comply with the notice requirement if the employee's injury required either hospitalization or a 7-day hiatus from work?

True  False

12. The ACOEM guidelines do not apply to treatment provided prior to January 1, 2004 in cases for which the determination of reasonable medical treatment has not yet been made?

True  False

13. Where the validity of a Code of Civil Procedure §998 offer to compromise is challenged, the offering party has the burden of demonstrating that its offer is valid and further such an offer is strictly construed in favor of the party against whom it would operate?

True  False

14. The usual rule is that the law in effect on the date of injury governs in workers' compensation cases because the industrial injury is the basis for the award?

True  False

15. The ACOEM guidelines are applied to determine reasonable medical treatment to all cases in which there is not an order as of the date of enactment of SB 899?

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).

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