

SELF ASSESSMENT TEST

1. To meet the burden of presenting a prima facie claim of unlawful discrimination in violation of section 132a; it is sufficient that the industrially injured worker shows only that he or she suffered some adverse result as a consequence of some action or inaction by the employer that was triggered by the industrial injury?

True False

2. When an employer timely objects to the venue based on the county where the employee's attorney maintains his principal place of business, the venue must be changed to the county in which the employee resides on the date of filing or in county where the injury allegedly occurred, or in cumulative trauma and industrial disease claims, where the last alleged injurious exposure occurred?

True False

3. Medical treatment can be apportioned to non industrial factors?

True False

4. Once it is established that an industrial injury contributed to the need for medical treatment, Labor Code §4600 requires the employer provide the treatment?

True False

5. Employer provided treatment cannot be avoided by apportioning the entire need for attendant care to non industrial causes on the theory that, despite industrial contribution to the need for attendant care, natural progression of a preexisting disease would have resulted in a need for the same level of care at the present time even if there had been no industrial injury?

True False

6. An initial request for vocational rehabilitation benefits may be made within one year from the date of the last finding of permanent disability?

True False

7. If an appropriate pleading is timely filed within the five-year period, the power of the WCAB to reopen and decide a matter that extends beyond the five-year period?

True False

8. A compensable consequence injury is a subsequent injury, whether an aggravation of the original industrial injury or a new and distinct injury, if it is the direct and natural result of a compensable industrial injury?

True False

9. For a subsequent injury to be deemed a compensable consequence not an earlier industrial injury, the earlier industrial injury must be the exclusive cause of the subsequent injury, but a contributing factor?

True False

10. A petition for reconsideration is deemed to have been denied by the Appeals Board unless it is acted upon within 60 days from the date of filing?

True False

11. A solvent insurer is precluded from seeking or obtaining reimbursement or contribution from CIGA?

True False

12. The burden is on the employer to show that the applicant was an independent contractor. The label placed by the parties on their relationship is not dispositive?

True False

13. Generally, absent any statute imposing liability, an owner or general contractor is not liable under workers' compensation for injury to the employee of an independent contractor hired by the general contractor?

True False

14. Labor Code §2750.5 was enacted to impose workers' compensation liability on those who hire unlicensed contractors should either the unlicensed contractor or his employees be injured on the job for which a license is required. An exception to this rule involves the type of work and materials that would otherwise require licensing involves the sale or installation of any finished products, materials or articles of merchandise that do not become a fixed part of the structure?

True False

15. CIGA is not liable to a solvent insurer for an obligation to the insurer for a claim for indemnity, contribution, subrogation or any other obligation of the insurer?

True False

16. The primary indicator distinguishing between independent contractor and employee is the right to control the method and means of accomplishing the tasks.

True False

17. When a violation of Labor Code §132a had been found an award of lost wages need not be reduced by such sums as the employee earned during the relevant time period?

True False

18. When an injured worker is ultimately held to be a qualified injured worker, then the injured worker is entitled to receive vocational rehabilitation benefits from the date of demand?

True False

19. If the employer fails to provide proper notice to the injured worker regarding his rights and benefits then the statute of limitations is tolled until the employee gains actual knowledge of his rights?

True False

20. An employer's failure to provide the required notice to an employee of rights under the Medical Provider Network that results in a neglect or refusal to provide reasonable medical treatment renders the employer or insurer liable for reasonable medical treatment self-procured by the employee?

True False

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- 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.
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