

SELF ASSESSMENT TEST

1. The Appeals Board does not have jurisdiction order additional temporary disability indemnity more than five years from the date of injury. (See Labor Code §5804?)

True False

2. The Appeals Board continues to have jurisdiction to award temporary disability only if the applicant was continuously temporarily disabled beyond the five year limit of if a petition to reopen was filed within five years of the date of injury?

True False

3. No claim for medical services is enforceable, valid or binding in excess of a reasonable amount. A WCJ may determine what constitutes a reasonable amount?

True False

4. Prior disability or evidence of modified work is no longer a prerequisite to apportionment?

True False

5. Degenerative disease can be asymptomatic and still be apportionable under the new apportionment rules?

True False

6. If prior to January 1, 2005, an injured employee cannot return to their usual and customary occupation because of an industrial injury, there must exist residual disability preventing their return to work. By its very nature, such disability would be permanent disability which triggers the use of the old rating schedule?

True False

7. Aggregate disability payments for a single injury causing temporary disability shall not extend more than 104 compensable weeks within a period of two years from the date of commencement of temporary disability payment?

True False

8. The "date of commencement of temporary disability payment" as used in Labor Code §4656(c)(1) is the date on which temporary disability indemnity is first paid, not the date when temporary disability is first owed?

True False

9. Time limit on the payment of temporary disability set forth in Labor Code §4656(c)(1) applies only to single injuries to one body part?

True False

10. A comprehensive medical-legal report, like a treating physician's report, must contain an indication of the existence of permanent disability to trigger use of the old rating schedule?

True False

11. A comprehensive medical-legal report or treating physician's report must state the injured worker's condition has reached permanent and stationary status to indicate the existence of permanent disability within the meaning of Labor Code §4660(d)?

True False

12. Permanent disability is the impairment of earning capacity, impairment of the normal use of a body member or function or a competitive handicap in the open labor market?

True False

13. Temporary disability indemnity ends if the injured worker has not already returned to work; and the right to permanent disability indemnity arises?

True False

14. A psychologist's medical-legal liens filed with the WCAB as an expert witness on behalf of workers who filed workers' compensation claims and in addition filed third party civil actions, was limited to adjudicating the medical-legal liens in the workers' compensation system and could not recover payment in a civil action against the workers' attorneys despite the fact that the psychologist withdrew the liens in the workers' compensation case?

True False

15. The payment of a physician for rendering medical-legal services arises out of or is incidental to the employee's right to compensation. The physician has a lien under the Act for medical-legal services and may appear as a lien claimant before the WCAB?

True False

16. A lien claimant's right to medical-legal costs is derivative of the employee's rights. The mere fact that plaintiffs are medical providers, and not employees, does not preclude the application of the exclusive remedy provisions?

True False

17. Claims seeking compensation for services rendered to an employee in connection with his or her workers' compensation claim fall under the exclusive jurisdiction of the WCAB?

True False

18. Video tape surveillance of workers' compensation claimant by a public entity is barred by the governmental investigatory immunity and the claimant can not sue for damages based on an invasion of privacy?

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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