

SELF ASSESSMENT TEST

1. Employers must use the utilization review process when considering employees' requests for medical treatment. Employers may not use Labor Code §4062 as an alternative method for disputing employees' treatment requests?

True False

2. In an occupational disease or cumulative injury case, when the injured employee elects to proceed against one or more employers to obtain a determination as to benefits, the other employers are not entitled to have the worker examined, to take the worker's deposition, or otherwise participate in the proceedings?

True False

3. Serious and willful misconduct is more than gross negligence and involves conduct of a quasi-criminal nature?

True False

4. An injured worker does not raise the issue of vocational rehabilitation by indicating the existence of a dispute over benefits in an Application for Adjudication of Claim that is filed within the statutory period, even absent a formal request with the Rehabilitation Unit?

True False

5. If the request for vocational rehabilitation benefits is made within the statutory time, an express reservation of jurisdiction is not necessary if the injured worker's health and personal problems necessitate a deferral of vocational rehabilitation?

True False

6. Injured public safety workers who receive Labor Code §4850 benefits are entitled to the Labor Code §4061 notice regarding eligibility for permanent disability benefits and if the ending date of this disability pay is prior to January 1, 2005, then the exception of Labor Code §4660(d) applies and the old rating schedule applies?

True False

7. A member of the fire department is covered by the heart trouble pneumonia presumption under Labor Code §3212 even though not engaged in active fire fighting?

True False

8. As between an uninsured general employer and an insured special employer, responsibility for administering the award falls on the insured employer?

True False

9. The special risk exception applies (1) if "but for" the employee would not have been at the location where the injury occurred and (2) if the risk is distinctive in nature or quantitatively greater than the risk common to the public?

True False

10. The Appeals Board may consider evidence prepared after January 1, 2005, to establish that an employer, unaware of the employee's medical condition, was required to send the employee a Labor Code §4061 temporary disability benefit termination notice "back in time" before that date so as to trigger the use of the old rating schedule?

True False

11. The date of injury for a cumulative injury is the date upon which the employee first suffered disability there from and either knew, or in the exercise of reasonable diligence should have known, that such disability was caused by his present or prior employment?

True False

12. An employer is only liable for the percentage of disability directly caused by the injury arising out of and occurring in the course of employment?

True False

13. Workers' Compensation Appeals Board does not have discretion to award costs for the preparation of a vocational rehabilitation consultant's report regardless of whether the report is admissible as evidence under Labor Code Sec. 5703?

True False

14. The Appeals Board retains jurisdiction, even after five years from the date of injury, to determine whether a particular medical treatment, claimed by the applicant who previously had been granted a provisional award of future medical benefits?

True False

15. Psychiatric injuries are no compensable if the injured worker was not employed for six months, unless the injury is the result of a sudden and extraordinary employment condition. This exclusionary principle does not apply to a consequential psychiatric injury claim?

True False

16. Petitions for reconsideration of final orders, decisions or awards by the Appeals Board in San Francisco, must be filed in the office of the Appeals Board in San Francisco. Petitions for reconsideration received by any district office will not be accepted for filing or deemed filed for any purpose?

True False

17. While an incident may be sudden, it must also be extraordinary which is defined as going beyond what is usual, regular, common or customary and having little or no precedent and usually totally unexpected?

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.
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