

SELF ASSESSMENT TEST

1. An injury is compensable if received while the employee is doing those reasonable things which his contract of employment expressly or impliedly authorized him to do?

True False

2. A permanent and stationary status is not required in order for the comprehensive medical-legal or treating physician report to indicate the existence of permanent disability under Labor Code §4660(d)?

True False

3. When a WCJ does not adequately explain the reasoning behind his decision in his Opinion on Decision, the WCJ may not cure the failure to provide grounds for a decision by subsequently specifying the grounds in the Report and Recommendation?

True False

4. Reconsideration is available only to challenge a final order, decision or award?

True False

5. An order for further development of the medical record which is considered an intermediate procedural decision and reconsideration is not an available remedy?

True False

6. If general and special employments exist, the injured worker may look to both employers for compensation benefits?

True False

7. Because the general-special employee is serving two employers, each is jointly and severally liable?

True False

8. Violations of Labor Code other than failure to obtain workers' compensation insurance do not deprive an employer the protections of the workers' compensation system?

True False

9. 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

10. 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

11. As a general rule injuries sustained by an employee going to or returning from work are not compensable under the Workers' Compensation Act?

True False

12. The new Permanent Disability Rating Schedule applies if temporary disability indemnity is paid on or after January 1, 2005?

True False

13. It is presumed that the AME was chosen by the parties because of his or her expertise and neutrality and therefore, the AME's opinion should ordinarily be followed unless there is good reason to find that opinion unpersuasive?

True False

14. When the parties agree to an Agreed Medical Examiner, they impliedly stipulate that the AME is fair and competent to offer a medical opinion in the case. In effect, they both adopt the AME as their evaluator. If either party contends that the AME has not based his conclusions on substantial evidence, then it is that party's obligation to resent substantial evidence to the AME for a supplemental opinion. The party's remedy is not to disavow the opinion of the AME?

True False

15. The employer must prove the existence of the prior permanent disability award, establish that the permanent disability on which that award was based still exists and then prove the extent of the overlap, if any, between the prior disability and the current disability?

True False

16. When the injured worker's employer is not the manufacturer of the power press, the injured worker must present evidence that the employer expressly directed the failure to install or remove the point of operation guard, not merely showing that the employer was aware of the risk of injury?

True False

17. In order to establish that a psychiatric injury is compensable, an employee must demonstrate by a preponderance of the evidence that actual events of employment were predominant as to all causes of the psychiatric injury?

True False

18. The determination of whether a worker is an employee or an independent contractor primarily concerns whether the worker or one of whom the work is rendered has the right to control the manner and means of accomplishing the work?

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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