

SELF ASSESSMENT TEST

1. An agreed medical examiner's apportionment determination based on his review of the medical records, diagnostic tests, and applicant's history of prior injury and surgeries to her back and neck constitutes substantial medical evidence?

True False

2. A party may contest jurisdiction, personal, subject matter or both, through a "special appearance?"

True False

3. An insurer does not step into the shoes of the insured until the workers' compensation insurer accepts liability?

True False

4. In order for HIV infection to be an exception to the 104-week/two year limitation on temporary disability indemnity, the HIV status must have arisen out of employment?

True False

5. Temporary disability is incapacity to work that is reasonably expected to be cured or materially improved with proper medical treatment?

True False

6. An injured worker may not, however, prolong the period of temporary disability by sitting on his right to medical care. It is expected that an injured worker actively engage in treatment that could cure or relieve his work-disabling condition?

True False

7. Payments made to the estate of a deceased worker who died without dependents prior to the Labor Code §4702(a)(6)(B) being declared unconstitutional, does not bar liability of the employer to the Death Without Dependents Unit?

True False

8. Attendant care is not part of the medical treatment provided an injured worker under Labor Code §4600 even if its necessity is supported by expert and/or lay evidence?

True False

9. The employer must be held liable for necessary attendant care obtained by an injured workers even though it was not previously requested?

True False

10. The fact that attendant care services are provided by a family member does not relieve a defendant from the obligation to pay for it?

True False

11. The law of the case doctrine states that when, in deciding an appeal, an appellate court states in its opinion a principle or rule of law necessary for the decision, the principle or rule becomes the law of the case and must be adhered to throughout its subsequent proceeding, both in the lower court and upon subsequent appeal?

True False

12. The law of the case doctrine focuses on the case actually decided and with further legal proceedings of that specific case. It is a rule of law intended to prevent the parties to the case from re-litigating the issues previously decided on appeal?

True False

13. An approved Compromise and Release, without more, does not constitute and award of permanent disability within the meaning of Labor Code §4664(b)?

True False

14. A physician's opinion on apportionment cannot be disregarded as being speculative when it is based on his expertise in evaluating the significance of facts relating to his examination and diagnosis?

True False

15. The employer has the burden of proving that there is an overlap between disabilities in two cases?

True False

16. As a general rule, when the employer lends an employee to another employer and allows the borrowing employer to control the worker's duties, the borrowing employer (special employer) and the general employer are jointly and severally liable for the injured workers' compensation benefits?

True False

17. Under Insurance Code §11663, the general employer's insurer is solely liable for the compensation, unless the worker was on the special employer's payroll at the time of injury?

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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