

## SELF ASSESSMENT TEST

1. An in pro per applicant filed a Petition to Set Aside Compromise and Release one week after the issuance of the Order Approving Compromise and Release, and that petition was properly deemed a time filed Petition for Reconsideration?

True  False

2. The statutory changes enacted by SB899 relating to apportionment of permanent disability to cause require apportionment to each cause of permanent disability, including each distinct industrial injury?

True  False

3. The continued application of the Wilkinson rule allowing a combined award of permanent disability in successive injury cases is not consistent with the new apportionment rules based on causation?

True  False

4. The report of one physician, even if it constitutes substantial evidence, is not sufficient to support a finding of fact even though that opinion is in conflict with all the remaining medical evidence?

True  False

5. The presumption of injury in Labor Code §5402 does not apply to an amended claim form alleging injury to additional body parts?

True  False

6. Labor Code §4600 permits reimbursement for medical treatment that relieves pain, even if the treatment does not improve or cure the patient's condition over time?

True  False

7. It is well settled that the Appeals Board is required under Labor Code §5814.5 to award reasonable attorney fees in addition to increasing an order, decision, or award pursuant to Labor Code §5814 when payment of compensation has been unreasonably delayed subsequent to the issuance of an award. If the parties entered into a valid and enforceable stipulation, the stipulation is the equivalent to an award for purposed of Labor Code §5814.5 attorney fees?

True  False

8. An employer has a statutory duty to provide nursing care in the form of home health care services reasonably required to cure or relieve an employee from the effects of an industrial injury. This does not include reimbursement of a relative for providing such services when the home health care services are prescribed by a physician or surgeon?

True  False

9. A reserve police officer is not included in the cancer presumption because a reserve

police officer is not one of the three "peace officer" classes identified in Labor Code §3212.1?

True  False

10. There can be no injurious exposure at a given employment if the cancer manifests before the minimum latency period has elapsed?

True  False

11. The WCJ's failure to set forth its reasoning in adequate detail constitutes a sufficient basis to annul the decision and remand for a statement of reasons?

True  False

12. The purpose of Labor Code §5908.5 requiring the appeals board to specify in detail the reasons for its decision is to assist the reviewing court to ascertain principles relied upon by the lower tribunal to help avoid careless or arbitrary action and to make the right of appeal more meaningful?

True  False

13. The utilization review process is required for every medical treatment request and only an employee may invoke Labor Code §4062a to dispute a medical treatment request?

True  False

14. A final order for the purposes of appellate review of a WCAB decision is one that settles an issue critical to the claim, even if it does not resolve all issues?

True  False

15. A 'final order' for purposes of section 5900 includes any order which settles, for purposes of the compensation proceeding, an issue critical to the claim for benefits, whether or not it resolves all the issues in the proceeding or represents a decision on the right to benefits?

True  False

16. All utilization reports are inadmissible, since they are not reports of the attending or examining physicians but simply reflect a utilization review physician's opinion on the medical necessity of proposed treatment, formulated without examining the injured employee?

True  False

17. While medical review is not required if the employer approves the treatment request, section 4610 requires that a licensed doctor deny, delay, or modify the treatment request?

True  False

18. Labor Code §4062 is available to employers as an alternative avenue for disputing employees' requests for treatment?

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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