

## SELF ASSESSMENT TEST

1. Subsequent Injuries Benefit Trust Fund is not required to accrued or unpaid compensation at the time of death to the decedent's dependents or estate?

True  False

2. An aggravation or new injury is an independent industrial injury that will be subject to apportionment as to permanent disability?

True  False

3. An attorney fee under Labor Code §5814.5 is payable only when (1) there has been a prior award of benefits; (2) the employer has unreasonably delayed payment of some or all of that award; and (3) the applicant has accrued attorney's fees in enforcing the prior award?

True  False

4. When a petition for reconsideration is timely filed, but, through no fault of the petitioner, it is not acted upon by the Appeals Board within the time limits of Labor Code §5909, due process requires the Appeals Board to consider the petition on its merits?

True  False

5. The requirements of the cancer presumption are: (1) exposure to a known carcinogen, (2) manifestation of the cancer, and (3) the primary site of the cancer is established. The presumption is rebuttable by establishing no reasonable link between the cancer and the carcinogen?

True  False

6. When a policy was canceled for non-payment of premium, there was basis for wavier or estoppels to assert the policy was cancelled by reason of the carrier's practice of sending reminder notices that the premiums and reports were pas due of the actions taken by the carrier to collect the delinquent premiums after the date of cancellation?

True  False

7. The date of injury in cases of occupational disease or cumulative injuries is that date upon which the employee first suffered disability therefrom and either knew of in the exercise of reasonable diligence should have known such disability was caused by his present or prior employment?

True  False

8. The date of injury controls the amount of the death benefit?

True  False

9. In determining whether an individual is an employee or independent contractor, the parties characterization of the relationship, controls the outcome?

True  False

10. The primary consideration for determining whether an individual is an

employee or an independent contractor is the right to control and direct the manner and method in which the work is performed?

True  False

11. Other factors to be considered when determining employment status include: (1) the alleged employee's opportunity for profit or loss depending on his managerial skill; (2) the alleged employee's investment in equipment or materials required for his task, or his employment of helpers; (3) whether the service rendered requires a special skill; (4) the degree of permanence of his working relationship; and (5) whether the service is an integral part of the alleged employer's business?

True  False

12. The factors to be considered when determining the status of an employee vs. an independent contractor are not the same factors to be considered in determining whether an employer is a general or special employer?

True  False

13. CIGA does not stand in the shoes of the insolvent insurer and is only authorized to pay covered claims defined by the Insurance Code?

True  False

14. "Covered claims" do not include any claim to the extent it is covered by any other insurance available to the claimant or insured. "Other insurance" is available to the claimant when workers' compensation insurance covers the special employee and there is no policy exclusion for special employees?

True  False

15. 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

16. 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

17. The California Workers' Compensation system does not preempt a private cause of action by an injured worker against the independent claims administrator of her self-insured employer for the delay or refusal to pay compensation benefits?

True  False

18. The amount recovered by the plaintiff in a personal injury lawsuit always goes first to satisfy the attorney lien for fees and costs before it is used to satisfy medical liens?

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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