

SELF ASSESSMENT TEST

1. The administration of an award is only a ministerial function and changing administrators does not equate to altering, amending or rescinding an award?

True False

2. A petition for writ of review relating to an order taking a lien hearing off calendar for further discovery is not a final order subject to a petition for writ of review?

True False

3. In making its rulings the Appeals Board should resolve all reasonable doubts in favor of the injured worker in accordance with the liberal construction rule of Labor Code §3202. This rule also applies to the burden of proof required by Labor Code §3202.5?

True False

4. Contrary to pleadings, which can be deemed amended to conform to proof, stipulations are not deemed amended to conform to proof because the point of a stipulation is to obviate the need for proof?

True False

5. The requirement that a primary treating physician must issue a report indicating the existence of permanent disability prior to January 1, 2005 in order for the old rating schedule to be applied, does not mean that there must be a finding or permanent and stationary status?

True False

6. The report of a treating physician to be considered substantial evidence the report must provide some basis to justify its conclusions. A report which contains only a bare statement of fact or opinion, without a discussion of the underlying basis for reaching that conclusion, cannot constitute substantial evidence?

True False

7. If the employer has followed the statutory procedures and timelines for the Spinal surgery second opinion process and the delay is due solely to the DWC's failure to comply with its obligation under Labor Code §4962(b), there is no reasonable basis for terminating the second opinion process?

True False

8. Liability rests with the last employer exposing the employee to hazards of the occupational disease or cumulative injury for which there is insurance for workers' compensation coverage or an approved alternative?

True False

9. In general, workers are not deemed to know that cumulative trauma injuries are work related. In assessing the workers'

knowledge, consideration must be given to the intelligence, training and qualifications of the worker as well as the nature of the disability?

True False

10. Cumulative trauma concerns work injuries that develop over time due to repetitive trauma, and cause earning capacity to be impaired. One may still be able to work while suffering from such an injury?

True False

11. When an employer is on inquiry notice that a worker may have sustained CT on the job, it is estopped to assert the 30-day limitations period?

True False

12. When an employee receives an award which includes future medical care, and the employer/ insurance carrier refuses to furnish the treatment but does not institute proceeding to terminate care pursuant to Labor Code §4607, the employee's attorney who succeeds in enforcing the award is not entitled to attorney fees?

True False

13. Labor Code § 4607 fees are available to the injured worker's attorney when successful proceedings are initiated to challenge a defendant's refusal to authorize a treatment covered by an award of medical care?

True False

14. The provision of Labor Code §4702(a)(6)(B) for an award of \$250,000 to the decedent's estate is unconstitutional?

True False

15. There are three constitutionally sanctioned classes of beneficiaries for workers' compensation: (1) workers, (2) dependents and (3) the state?

True False

16. An employer may satisfy its obligation under Labor Code §4600 to provide reasonable medical treatment by transferring an injured worker into an authorized Medical Provider Network regardless of the date of injury or the date of an award of future medical treatment?

True False

17. Because the employer's duty to provide notice under Labor Code §4061 arises with the first payment of temporary disability indemnity, if the first date of compensable temporary disability occurred prior to January 1, 2005, the former Permanent Disability Rating Schedule applies to determine the extent of permanent disability?

True False

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