

SELF ASSESSMENT TEST

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

True False

2. An employee's claim of a cumulative injury to her psyche may be founded upon an honest misperception of job harassment which interacts with a preexisting psychiatric condition so as to cause job stress?

True False

3. "Actual events of employment" language added by section 3208.3, subdivision (b)(1) can be interpreted as requiring the employee to establish objective evidence of harassment, persecution, or other basis for the alleged psychiatric injury?

True False

4. Workers' compensation benefits are not available where an employee engages in harassing and demeaning behavior in the workplace, causing others to respond in a way the employee subjectively finds offensive and psychologically injurious?

True False

5. A public entity must provide for the defense of any civil action or proceeding brought against a public employee, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity, but public entity may refuse to provide such a defense, if the conduct outside the scope of employment, conduct involving actual malice or creation of a conflict of interest between the employer and employee if representation is given?

True False

6. The temporary disability cap has been modified for most injuries to a maximum of 104 compensable weeks within five years of the date of injury. This revised cap applies to all claims with dates of injury on or after January 1, 2008?

True False

7. The limitation on chiropractic, occupational therapy and physical therapy visits has been amended to provide that the 24 visit limitation on chiropractic, occupational therapy and physical therapy for an industrial injury does not "apply for post-surgical physical medicine and post-surgical rehabilitation provided in compliance with a post-surgical treatment utilization schedule?"

True False

8. Public entities are not exempt from any verification requirements imposed in writ proceedings except as otherwise provided by statute?

True False

9. A cause of action can not be stated under the Fair Employment and Housing Act (FEHA) for failure to accommodate the use of marijuana prescribed for medical purposes by a physician?

True False

10. An employer who has paid workers' compensation benefits to an injured employee has the right to be reimbursed for the sums paid and for certain other expenditures, except to the extent that fault attributable to the employer caused the worker's civil damages?

True False

11. The definition of loss of consortium includes services the wife must perform to care for her husband?

True False

12. The Locomotive Boiler Inspection Act (49 United States Code §20702 et seq.) exempts railroad employees' state law actions against manufacturers of locomotives containing asbestos materials?

True False

13. The Federal Employers Liability Act holds railroad employers liable for the injury or death of railroad employees that results, in whole or in part, from the railroad's negligence or that of its agents?

True False

14. While the Appeals Board's power to alter prior decisions is limited to five years from the date of injury, its authority to enforce awards and to conduct ancillary proceedings is not time-barred?

True False

15. The opinion of a single physician can suffice to support the Appeals Board's determinations?

True False

16. If the amendment is determined to constitute a substantial or material change in the award, then the petition for reconsideration must be filed within 20 days of the amended findings and award?

True False

17. The injured worker's permanent and stationary status is required before a physician's report can indicate the existence of permanent disability under Labor Code §4660(d)?

True False

18. The duty of the employer to give notice of permanent disability indemnity pursuant to Labor Code §4061(a) arises with the last payment of temporary disability indemnity

True False

CERTIFICATION

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