

SELF ASSESSMENT TEST

1. Transferring medical treatment to an Medical Provider Network rescinds, alters or amends an award?

True False

2. A WCJ's Report and Recommendation on Reconsideration does not cure technical or alleged defects in satisfying the requirements of Labor Code §5313 that the WCJ requires to make and file findings upon all facts involved in the controversy and an award, order or decision stating the determination as to the rights of the parties?

True False

3. In a single cumulative injury or occupational disease case involving CIGA and another solvent carrier or carriers, CIGA will be relieved of liability pursuant to Insurance Code §1063.1(c)(9)?

True False

4. The provisions of SB899 setting forth new guidelines for the determination of reasonable medical treatment do not apply even when the treatment at issue was rendered before SB899 became effective?

True False

5. When a party fails to give notice of the intent to call an expert witness, the WCJ properly may exclude the testimony of the expert witness, because the opposing party did not have an opportunity to prepare for or present rebuttal witnesses

True False

6. Ex parte communication with an agreed medical evaluator or a qualified medical evaluator selected from a panel is prohibited. If a party communicates with the agreed medical evaluator or the qualified medical evaluator, the aggrieved party may elect to terminate the medical evaluation and seek a new evaluation from another qualified medical evaluator?

True False

7. No proceeding for death benefits may be commenced more than one year after the date of death or 240 weeks of the date of injury?

True False

8. A medical opinion to be substantial medical evidence must disclose familiarity with the concepts of apportionment, describe in detail the exact nature of the apportionable disability and set forth the basis for the opinion so that the WCJ can determine whether the physician is properly apportioning under the correct legal principles?

True False

9. An employee claiming a psychiatric injury must establish that she was employed by the employer against whom a claim is

brought for a total of six months prior to the date of injury?

True False

10. The statute of limitations against a special employer is not tolled during the period that compensation benefits are paid to the injured employee by the general employer?

True False

11. CIGA is authorized to pay only covered claims of an insolvent insurer. "Covered claims" do not include any claim to the extent it is covered by any other insurance available to the claimant or insured. Self insurance constitutes "other insurance" relieving CIGA of liability?

True False

12. Industrial Disability Leave (IDL) paid to certain state employees constitutes temporary disability indemnity for the purpose of the Labor Code §4660(d) limitation on aggregate temporary disability payments?

True False

13. TD benefits provide a substitute for lost wages during a period of temporary incapacity from working?

True False

14. The date of injury in cases of occupational disease or cumulative injuries is the date upon which the employee first suffered disability and either knew, or in the exercise of reasonable diligence should have known that such disability was caused by his present or prior employment. Whether an employee knew or should have known the disability was industrially related is generally a question of fact?

True False

15. California Family Rights Act does not require an employer to submit disputes regarding an employee's entitlement to medical leave to a third health care provider and the fact that an employee is working for a second employer does not mean he or she is not incapacitated from working in his or her current job? 5 days is added to the deadline?

True False

16. Under the California Family Rights Act, the employer may require the employee to submit a certification by the employee's health provider, which includes: (1) the date the serious health condition commenced, (2) the probable duration of the condition, and (3) "a statement that, due to the serious health condition, the employee is unable to perform the functions of his or her position?"

True False

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