

SELF ASSESSMENT TEST

1. The time frame for comprehensive medical legal evaluations to be prepared and submitted shall not exceed 30 days after the QME or AME has seen the employee. Although the statute specifies time frames only for initial evaluations, the rule authorized by the statute time frames for all evaluations?

True False

2. The Appeals Board has jurisdiction over any augmented penalties claimed as associated with an alleged delay by the employer reinstating sick leave?

True False

3. The filing of frivolous petitions supports the imposition of monetary sanctions, including an award of the employer's attorney fees, and may lead to a declaration by the Appeals Board that the petitioner is a vexatious litigant with corresponding restrictions on the ability to file additional petitions?

True False

4. In case in which the allegations of injury are in the form of hypertension and to the internal organs were made, and the conclusion of the Panel QME in neurology did not address these injuries because they were not part of his specialty, but within the purview of an internist, the WCJ has a duty to assure the record was fully developed and ordered an internal medicine evaluation?

True False

5. For purposes of the timeliness of filing a petition for reconsideration is the address set forth in the official address record, the address at which the petition for reconsideration was served?

True False

6. There are three possible dates from which the one year limitations period runs—date of injury, date disability payments expired), and the last date on which medical benefits were provided for the industrial injury?

True False

7. In relying on the opinion of a particular physician in making its determination, the Appeals Board may not isolate a fragmentary portion of the physician's report or testimony and disregard other portions that contradict or nullify the portion relied on and the Appeals Board must give fair considerations to all of that physician's finding?

True False

8. The five year statute of limitations bars a claim for a compensable consequence injury for purposes of receiving medical treatment?

True False

9. If there is an express agreement between persons or institutions fixing the amounts to be paid for medical, surgical or hospital treatment, the Appeals Board has no jurisdiction over any controversy concerning the amount due for such treatment?

True False

10. Under the commercial traveler doctrine, a worker is regarded as acting within the course of employment during the entire period of her travel on the employer's business?

True False

11. In a case involving the special mission exception to the going and coming rule, where there has been a substantial deviation, the deviation may end when the applicant reentered the course of employment to complete the special mission?

True False

12. In determining whether an employee is a residential employee within the meaning of Labor Code §3351, the building of a house cannot be deemed a casual or minor activity incidental to the ownership, maintenance or use of the house. It is an essential prerequisite to the ownership and use of the house that the dwelling be sufficiently completed to be occupied as a residence?

True False

13. Workers' compensation coverage for residential employees can not be statutorily infused into an insurance policy when the injured worker does not qualify as a residential employee when the residence is undergoing significant renovations and is not in a habitable condition?

True False

14. When an employer fails to object to a medical determination of temporary total disability by an injured worker's treating physician within the time limit provided by Labor Code §4062, the employer loses the right to object to that determination in the future but is not estopped from claiming credit for overpayment of temporary disability indemnity prior to that time when there is evidence of the worker's condition was permanent and stationary prior to that time?

True False

15. The statutory duty to pay temporary disability compensation continues during the period in which an injured worker, while unable to work, is undergoing medical diagnostic procedure and treatment for an industrial injury?

True False

16. The duty to pay temporary disability ends when the worker is able to return to work or when his or her medical condition becomes permanent and stationary?

True False

17. A disability is considered permanent when the employee has reached maximal medical improvement, meaning his or her condition is well stabilized, and unlikely to change substantially in the next year with or without medical 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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