

UPDATE ON WORKERS' COMPENSATION LEGISLATION INTRODUCED FOR 2015

Governor Brown continues to stay true to his objective to keep costs down in workers' compensation. None of the following bills became law this year. AB 305 was vetoed by Governor Brown. AB 511 and SB 563, both considered "two-year bills," did not advance to full votes in the legislature in 2015. However, both bills can return for consideration in 2016.

[AB 305 \(Gonzalez\) – Permanent Disability, Apportionment](#)

This bill would have prohibited apportionment of permanent disability for injuries occurring on or after January 1, 2016, from being based on pregnancy or menopause if the condition is contemporaneous with the claimed physical injury. The bill would also have prohibited apportionment of permanent disability, in the case of a psychiatric injury occurring on or after January 1, 2016, from being based on psychiatric disability or impairment caused by sexual harassment, pregnancy, or menopause if the condition is contemporaneous with the claimed psychiatric injury. The bill would also have provided that, for injuries occurring on or after January 1, 2016, the impairment ratings for breast cancer and the after effects of the disease would in no event be less than comparable ratings for prostate cancer.

Status: Passed by the Senate on 09/8/15 and the Assembly on 09/09/15. The bill was presented to Governor, Jerry Brown, for signature on 09/18/15 and vetoed by the Governor on 10/06/15.

[AB 511 \(Gipson\) – Public Safety Presumptions](#)

This bill would expand the coverage relating to compensable injury, to include other, full-time peace officers. The bill would also expand the coverage to include, upon the approval of an ordinance or resolution adopted by the governing body of the contracting public agency, or the adoption of language to this effect in a city or county charter, or pursuant to the terms and conditions of employment set forth in a collective bargaining agreement, a custody assistant, correctional officer, security officer, or security assistant employed by a public agency, or a peace officer other than a peace officer to whom these provisions already apply. This bill would repeal the current language under Labor Code Section 3212-3212.12, the presumption provisions and add new language pursuant to this bill.

Status: Held under submission in Assembly Appropriations Committee.

[SB 563 \(Senator Pan\) – Utilization Review Payment Methodologies](#)

This bill would require each employer, insurer, or other entity that is subject to the utilization review process to disclose the payment methodology for each person who is involved in the process of reviewing, approving, modifying, delaying, or denying requests by physicians for authorization prior to, retrospectively to, or concurrently with the provision of medical treatment services to injured workers by providing this information to employees, physicians, and the public upon request.

Status: Held under submission in Senate Appropriations Committee.

For questions regarding this *Briefing*, please contact your Keenan Account Manager.

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