

## WORKERS' COMPENSATION LEGISLATIVE UPDATE 2013

Since the enactment of SB 863, the legislative process has been quiet in regards to worker's compensation. However, there is one bill that has been introduced that appears to be a first attempt at undoing the provisions established under SB 863, which is SB 626 outlined below.

Following is the status of proposed legislation which, for the most part, may have minimal impact.

### **AB 454 (DICKINSON-D) – PREVAILING BENEFIT WAGES**

**Summary:** This bill would add a new provision to the Labor Code to provide that, for purposes of determining those benefits, the amount of benefits for a worker who is injured while performing work under a contract requiring a federal, state, county, city, or city and county prevailing wage requirement shall be based on the average weekly earnings for prevailing wage contracts in the area if the worker received less than the prevailing wage.

**Status:** Passed in the Committee on Insurance on April 10, 2013. Referred back to Committee on Appropriations.

### **AB 607 (PEREA-D) – DEPENDENT CHILDREN BENEFITS**

**Summary:** This bill would eliminate the requirement that, in order to conclusively presume that children under 18, or certain adult children, are wholly dependent for support on the deceased employee-parent, there not be a surviving totally dependent parent. This bill would also make conforming changes.

**Status:** Passed in Committee on Insurance on April 11, 2013 and ordered to consent calendar.

### **SB 146 (LARA-D) – MEDICAL TREATMENT BILLING**

**Summary:** Existing law requires a pharmacy to submit its request for payment with an itemization of services provided and the charge for each service, a copy of all reports showing the services performed, the prescription or referral from the primary treating physician if the services were performed by a person other than the primary treating physician, and any evidence of authorization for the services that may have been received. This bill would prohibit a copy of the prescription from being required with pharmacy's request for payment.

**Status:** Passed in the Senate Labor and Industrial Relations Committee on March 13, 2013. Referred to the Assembly on March 18, 2013.

## **SB 1373 (PEREZ-D) – WORKERS’ COMPENSATION – POLICE OFFICERS AND FIREFIGHTERS**

**Summary:** This bill would provide that certain proceedings related to the collection of death benefits of firefighters and peace officers may be commenced within, but no later than, an unspecified period of time and in no event more than one year after the date of death if all of the specified criteria are met, including, but not limited to, that the employee's death is the result of a specified injury.

**Status:** Referred to the Committee on Insurance. Hearing is set for April 24, 2013.

## **SB 626 (BEALL-D) – WORKERS’ COMPENSATION – MEDICAL TREATMENT, IMR, CHIROPRACTOR, PERMANENT DISABILITY**

**Summary:** This bill would delete the provision that a chiropractor cannot continue to be the primary treating physician once the treatment limitation has been reached. This provision would instead provide that a chiropractor can remain a primary treating physician even if chiropractic treatment is denied.

This bill would revise these provisions to require that medical treatment utilization reviews and independent medical reviews be conducted by physicians or medical professionals, as applicable, who hold the same California license as the requesting physician. The bill would delete the requirement that independent medical review organization keep the names of the reviewers confidential in all communications with entities or individuals outside the independent medical review organization.

This bill would delete the provision that prohibits a workers’ compensation administrative law judge, the appeals board, or any higher court from making a determination of medical necessity contrary to the determination of the independent medical review organization.

This bill would delete the prohibition on increases in impairment ratings for psychiatric disorder and would make related changes.

**Status:** Referred to Labor and Industrial Relations Committee on March 11, 2013. No hearing currently set.

Keenan & Associates is not a law firm and no opinion, suggestion, or recommendation of the firm or its employees shall constitute legal advice. Clients are advised to consult with their own attorney for a determination of their legal rights, responsibilities and liabilities, including the interpretation of any statute or regulation, or its application to the clients’ business activities.