

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2586**

**Introduced by Assembly Member Daucher**

February 21, 2002

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~~An act to amend Section 6409 of the Labor Code, relating to occupational injury or illness. An act to add Section 5401.5 to the Labor Code, relating to workers' compensation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2586, as amended, Daucher. ~~Occupational injury~~ Workers' compensation: denial of claim.

*Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of or in the course of employment.*

*Existing workers' compensation regulations provide that if a claims administrator denies liability for the payment of all workers' compensation benefits for any claim, except a claim for death benefits, the claims administrator shall advise the claimant of the denial, the reasons for it, and the claimant's remedies no later than 14 days after the determination to deny liability has been made.*

*This bill would codify the above regulation.*

~~Existing law requires physicians who attend to injured or ill employees to file reports with specific information prescribed by law.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1.—Section 6409 of the Labor Code is amended to~~  
2 *SECTION 1. Section 5401.5 is added to the Labor Code, to*  
3 *read:*

4 *5401.5. If a claims administrator denies liability for the*  
5 *payment of all workers' compensation benefits for any claim,*  
6 *except a claim for death benefits, including medical-only claims,*  
7 *the claims administrator shall advise the claimant of the denial,*  
8 *the reasons for it, and the claimant's remedies. The claims*  
9 *administrator shall advise the claimant no later than 14 days after*  
10 *the determination to deny liability has been made.*

11 *read:*

12 ~~6409.—(a) Every physician, as defined in Section 3209.3, who~~  
13 ~~attends any injured employee shall file a complete report of every~~  
14 ~~occupational injury or occupational illness to the employee with~~  
15 ~~the employer, or if insured, with the employer's insurer, on forms~~  
16 ~~prescribed for that purpose by the Division of Labor Statistics and~~  
17 ~~Research. A portion of the form shall be completed by the injured~~  
18 ~~employee, if he or she is able to do so, describing how the injury~~  
19 ~~or illness occurred. The form shall be filed within five days of the~~  
20 ~~initial examination. Inability or failure of an injured employee to~~  
21 ~~complete his or her portion of the form shall not affect the~~  
22 ~~employee's rights under this code, and shall not excuse any delay~~  
23 ~~in filing the form. The employer or insurer, as the case may be,~~  
24 ~~shall file the physician's report with the Department of Industrial~~  
25 ~~Relations, through its Division of Labor Statistics and Research,~~  
26 ~~within five days of receipt. Each report of occupational injury or~~  
27 ~~occupational illness shall indicate the social security number of the~~  
28 ~~injured employee. If the treatment is for pesticide poisoning or a~~  
29 ~~condition suspected to be pesticide poisoning, the physician shall~~  
30 ~~also file a complete report, which need not include the affidavit~~  
31 ~~required pursuant to this section, with the Division of Labor~~  
32 ~~Statistics and Research, and within 24 hours of the initial~~  
33 ~~examination shall file a complete report with the local health~~  
34 ~~officer by facsimile transmission or other means. If the treatment~~  
35 ~~is for pesticide poisoning or a condition suspected to be pesticide~~



1 ~~poisoning, the physician shall not be compensated for the initial~~  
2 ~~diagnosis and treatment unless the report is filed with the~~  
3 ~~employer, or if insured, with the employer's insurer, and includes~~  
4 ~~or is accompanied by a signed affidavit which certifies that a copy~~  
5 ~~of the report was filed with the local health officer pursuant to the~~  
6 ~~requirements of this section.~~

7 ~~(b) As used in this section, "occupational illness" means any~~  
8 ~~abnormal condition or disorder caused by exposure to~~  
9 ~~environmental factors associated with employment, including~~  
10 ~~acute and chronic illnesses or diseases which may be caused by~~  
11 ~~inhalation, absorption, ingestion, or direct contact.~~

