

AMENDED IN ASSEMBLY APRIL 27, 2011

AMENDED IN ASSEMBLY MARCH 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 947

Introduced by Assembly Member Solorio

February 18, 2011

An act to amend Section 4656 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 947, as amended, Solorio. Workers' compensation: temporary disability payments.

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 law generally prohibits aggregate disability payments for a single injury occurring on or after January 1, 2008, causing temporary disability from extending for more than 104 compensable weeks within a period of 5 years from the date of injury. Under existing law, if an employee suffers from specified injuries or conditions, aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability are prohibited from extending for more than 240 compensable weeks within a period of 5 years from the date of injury.

This bill would ~~add prescribed injuries that require treatment that cannot medically be completed within 104 weeks to the specified injuries or conditions that instead prohibit aggregate disability payments from extending for more than 240 compensable weeks within a period of 5~~

~~years from the date of injury~~ *recast the provisions to include, with certain exceptions, an additional limit on the aggregate disability payments for a single injury causing temporary disability that occurs on or after January 1, 2012, of 104 compensable weeks within 5 years from the date of injury.*

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 4656 of the Labor Code is amended to
 2 read:
- 3 4656. (a) Aggregate disability payments for a single injury
 4 occurring prior to January 1, 1979, causing temporary disability
 5 shall not extend for more than 240 compensable weeks within a
 6 period of five years from the date of the injury.
- 7 (b) Aggregate disability payments for a single injury occurring
 8 on or after January 1, 1979, and prior to April 19, 2004, causing
 9 temporary partial disability shall not extend for more than 240
 10 compensable weeks within a period of five years from the date of
 11 the injury.
- 12 (c) (1) Aggregate disability payments for a single injury
 13 occurring on or after April 19, 2004, causing temporary disability
 14 shall not extend for more than 104 compensable weeks within a
 15 period of two years from the date of commencement of temporary
 16 disability payment.
- 17 (2) Aggregate disability payments for a single injury occurring
 18 on or after January 1, 2008, causing temporary disability shall not
 19 extend for more than 104 compensable weeks within a period of
 20 five years from the date of injury.
- 21 (3) Notwithstanding paragraphs (1) ~~and (2)~~, (2), *and (4)*, for an
 22 employee who suffers from the following injuries or conditions,
 23 aggregate disability payments for a single injury occurring on or
 24 after April 19, 2004, causing temporary disability shall not extend
 25 for more than 240 compensable weeks within a period of five years
 26 from the date of the injury:
- 27 (A) Acute and chronic hepatitis B.
 28 (B) Acute and chronic hepatitis C.
 29 (C) Amputations.
 30 (D) Severe burns.

1 (E) Human immunodeficiency virus (HIV).

2 (F) High-velocity eye injuries.

3 (G) Chemical burns to the eyes.

4 (H) Pulmonary fibrosis.

5 (I) Chronic lung disease.

6 ~~(J) Injuries to more than one body part requiring a course of~~
7 ~~treatment to restore maximal function that cannot medically be~~
8 ~~completed within 104 weeks.~~

9 ~~(K) Injuries that require multiple stage treatments or procedures~~
10 ~~to restore function where the full course of treatment cannot~~
11 ~~medically be completed within 104 weeks.~~

12 (4) (A) *Except as provided in subparagraph (B), aggregate*
13 *disability payments for a single injury occurring on or after*
14 *January 1, 2012, causing temporary disability shall not extend for*
15 *more than 104 compensable weeks within a period of five years*
16 *from the date of injury.*

17 (B) *Notwithstanding subparagraph (A), aggregate disability*
18 *payments for an injury causing temporary disability that requires*
19 *medical treatment beyond 104 weeks to reach maximum medical*
20 *improvement may be extended as required by the physician to*
21 *complete treatment, if the need for the additional treatment is not*
22 *caused by the willful failure of the worker to undergo recommended*
23 *medical treatment necessary to reach maximum medical*
24 *improvement. However, in no case shall the total aggregate*
25 *disability payments extend for more than 240 compensable weeks*
26 *within a period of five years from the date of injury.*

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