

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

AMENDED IN ASSEMBLY MARCH 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 947**

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**Introduced by Assembly Member Solorio**

February 18, 2011

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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 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 recast the provisions to ~~include, with certain exceptions, an additional limit on the~~ *permit* aggregate disability payments for a single injury causing temporary disability that occurs

on or after January 1, 2012, ~~of 104~~ to be extended, as prescribed, and would prohibit the payments from extending for more than 240 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), (2), and (4), for an employee  
22 who suffers from the following injuries or conditions, aggregate  
23 disability payments for a single injury occurring on or after April  
24 19, 2004, causing temporary disability shall not extend for more  
25 than 240 compensable weeks within a period of five years from  
26 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.
- 31 (E) Human immunodeficiency virus (HIV).
- 32 (F) High-velocity eye injuries.

1 (G) Chemical burns to the eyes.

2 (H) Pulmonary fibrosis.

3 (I) Chronic lung disease.

4 (4) (A) Except as provided in subparagraph (B), aggregate  
5 disability payments for a single injury occurring on or after January  
6 1, 2012, causing temporary disability shall not extend for more  
7 than 104 compensable weeks within a period of five years from  
8 the date of injury.

9 (B) Notwithstanding subparagraph (A), aggregate disability  
10 payments for ~~an~~ *a single* injury causing temporary disability that  
11 requires medical treatment beyond 104 weeks ~~to reach maximum~~  
12 ~~medical improvement~~ may be extended as required by the ~~physician~~  
13 *primary treating physician, an agreed medical evaluator, or a*  
14 *qualified medical evaluator* to complete treatment *as required for*  
15 *the patient to become permanent and stationary*, if the need for  
16 the additional treatment is not caused by the willful failure of the  
17 worker to undergo recommended medical treatment necessary to  
18 ~~reach maximum medical improvement~~ *become permanent and*  
19 *stationary*. However, in no case shall the total aggregate disability  
20 payments extend for more than 240 compensable weeks within a  
21 period of five years from the date of injury.