

AMENDED IN SENATE AUGUST 30, 2011

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 permit aggregate disability payments for a single injury causing temporary disability that occurs on or after January 1, 2012, 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~~ *add an injury or condition where surgery or recovery from surgery occurs after 104 weeks of temporary disability benefits have been paid, provided that specified conditions are met, to the injuries or conditions for which aggregate disability payments for a single injury causing temporary disability are prohibited from extending for more than 240 compensable weeks within a period of 5 years.*

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)~~ *(1) and (2)*, for  
 22 an 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

1 for more than 240 compensable weeks within a period of five years  
2 from the date of the injury:

- 3 (A) Acute and chronic hepatitis B.
- 4 (B) Acute and chronic hepatitis C.
- 5 (C) Amputations.
- 6 (D) Severe burns.
- 7 (E) Human immunodeficiency virus (HIV).
- 8 (F) High-velocity eye injuries.
- 9 (G) Chemical burns to the eyes.
- 10 (H) Pulmonary fibrosis.
- 11 (I) Chronic lung disease.

12 (J) *An injury or condition where surgery or recovery from*  
13 *surgery occurs after 104 weeks of temporary disability benefits*  
14 *have been paid, provided that all of the following conditions are*  
15 *met:*

16 (i) *The need for surgery or recovery from surgery after 104*  
17 *weeks of benefits have been paid is not caused by the willful failure*  
18 *of the employee to undergo recommended medical treatment.*

19 (ii) *The surgery was delayed as a result of the treating*  
20 *physician's advice to pursue less invasive treatments.*

21 (iii) *The surgery was recommended by the physician.*

22 ~~(4) (A) Except as provided in subparagraph (B), aggregate~~  
23 ~~disability payments for a single injury occurring on or after January~~  
24 ~~1, 2012, causing temporary disability shall not extend for more~~  
25 ~~than 104 compensable weeks within a period of five years from~~  
26 ~~the date of injury.~~

27 ~~(B) Notwithstanding subparagraph (A), aggregate disability~~  
28 ~~payments for a single injury causing temporary disability that~~  
29 ~~requires medical treatment beyond 104 weeks may be extended~~  
30 ~~as required by the primary treating physician, an agreed medical~~  
31 ~~evaluator, or a qualified medical evaluator to complete treatment~~  
32 ~~as required for the patient to become permanent and stationary, if~~  
33 ~~the need for the additional treatment is not caused by the willful~~  
34 ~~failure of the worker to undergo recommended medical treatment~~  
35 ~~necessary to become permanent and stationary. However, in no~~  
36 ~~case shall the total aggregate disability payments extend for more~~  
37 ~~than 240 compensable weeks within a period of five years from~~  
38 ~~the date of injury.~~

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