

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 375

**Introduced by Committee on Labor and Industrial Relations
(Senators Lieu (Chair), Hill, Lara, Leno, and Wyland)**

February 20, 2013

~~An act to amend Section 70 of the Labor Code, relating to employment.~~ *An act to amend Section 4903.6 of the Labor Code, relating to workers' compensation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 375, as amended, Committee on Labor and Industrial Relations.
~~Employment: Industrial Welfare Commission: Workers' compensation: liens.~~

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing workers' compensation law authorizes the Workers' Compensation Appeals Board to determine and allow specified expenses as liens against any sum to be paid as compensation.

This bill would correct an erroneous cross-reference with regard to whether or not a lien claimant is entitled to medical information, as defined.

~~Existing law establishes the Industrial Welfare Commission within the Department of Industrial Relations and specifies that the commission consists of 5 members appointed by the Governor with the consent of the Senate.~~

~~This bill would make nonsubstantive changes to those provisions.~~

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 4903.6 of the Labor Code is amended to
2 read:

3 4903.6. (a) Except as necessary to meet the requirements of
4 Section 4903.5, a lien claim or application for adjudication shall
5 not be filed or served under subdivision (b) of Section 4903 until
6 both of the following have occurred:

7 (1) Sixty days have elapsed after the date of acceptance or
8 rejection of liability for the claim, or expiration of the time
9 provided for investigation of liability pursuant to subdivision (b)
10 of Section 5402, whichever date is earlier.

11 (2) Either of the following:

12 (A) The time provided for payment of medical treatment bills
13 pursuant to Section 4603.2 has expired and, if the employer
14 objected to the amount of the bill, the reasonable fee has been
15 determined pursuant to Section 4603.6, and, if authorization for
16 the medical treatment has been disputed pursuant to Section 4610,
17 the medical necessity of the medical treatment has been determined
18 pursuant to Sections 4610.5 and 4610.6.

19 (B) The time provided for payment of medical-legal expenses
20 pursuant to Section 4622 has expired and, if the employer objected
21 to the amount of the bill, the reasonable fee has been determined
22 pursuant to Section 4603.6.

23 (b) All lien claimants under Section 4903 shall notify the
24 employer and the employer's representative, if any, and the
25 employee and his or her representative, if any, and the appeals
26 board within five working days of obtaining, changing, or
27 discharging representation by an attorney or nonattorney
28 representative. The notice shall set forth the legal name, address,
29 and telephone number of the attorney or nonattorney representative.

30 (c) A declaration of readiness to proceed shall not be filed for
31 a lien under subdivision (b) of Section 4903 until the underlying
32 case has been resolved or where the applicant chooses not to
33 proceed with his or her case.

34 (d) With the exception of a lien for services provided by a
35 physician as defined in Section 3209.3, no lien claimant shall be

1 entitled to any medical information, as defined in subdivision (g)
2 of Section ~~50.05~~ 56.05 of the Civil Code, about an injured worker
3 without prior written approval of the appeals board. Any order
4 authorizing disclosure of medical information to a lien claimant
5 other than a physician shall specify the information to be provided
6 to the lien claimant and include a finding that ~~such~~ *the* information
7 is relevant to the proof of the matter for which the information is
8 sought. The appeals board shall adopt reasonable regulations to
9 ensure compliance with this section, and shall take any further
10 steps as may be necessary to enforce the regulations, including,
11 but not limited to, impositions of sanctions pursuant to Section
12 5813.

13 (e) The prohibitions of this section shall not apply to lien claims,
14 applications for adjudication, or declarations of readiness to
15 proceed filed by or on behalf of the employee, or to the filings by
16 or on behalf of the employer.

17 ~~SECTION 1. Section 70 of the Labor Code is amended to read:~~
18 ~~70. There is in the Department of Industrial Relations the~~
19 ~~Industrial Welfare Commission, which shall consist of five~~
20 ~~members who shall be appointed by the Governor, with the consent~~
21 ~~of the Senate.~~