

AMENDED IN SENATE MAY 2, 2013  
AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 375**

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

February 20, 2013

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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. 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.

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~~ a lien claimant shall  
36 *not* be entitled to any medical information, as defined in  
37 subdivision (g) of Section 56.05 of the Civil Code, about an injured  
38 worker without prior written approval of the appeals board. Any

1 order authorizing disclosure of medical information to a lien  
2 claimant other than a physician shall specify the information to be  
3 provided to the lien claimant and include a finding that the  
4 information is relevant to the proof of the matter for which the  
5 information is sought. The appeals board shall adopt reasonable  
6 regulations to ensure compliance with this section, and shall take  
7 any further steps as may be necessary to enforce the regulations,  
8 including, but not limited to, impositions of sanctions pursuant to  
9 Section 5813.

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