

ASSEMBLY BILL

No. 2558

Introduced by Assembly Member Mazzoni

February 23, 1998

An act to amend Section 2708 of the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2558, as introduced, Mazzoni. Unemployment compensation disability insurance.

Existing law requires the Employment Development Department to pay unemployment compensation disability benefits to eligible claimants. Existing law requires a claimant, subject to certain exceptions, to establish medical eligibility by filing a first claim for benefits supported by the certificate of a treating physician or practitioner, as specified. It defines a practitioner for these purposes to include, with respect to a normal pregnancy or childbirth, a duly certified nurse midwife or a duly licensed nurse practitioner.

This bill would also include within that definition of a practitioner a duly licensed midwife.

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 2708 of the Unemployment
- 2 Insurance Code is amended to read:



1 2708. (a) In accordance with the director's
2 authorized regulations, and except as provided in
3 Sections 2708.1 and 2709, a claimant shall establish
4 medical eligibility for each uninterrupted period of
5 disability by filing a first claim for disability benefits
6 supported by the certificate of a treating physician or
7 practitioner. For subsequent periods of uninterrupted
8 disability after the period covered by the initial certificate
9 or any preceding continued claim, a claimant shall file a
10 continued claim for those benefits supported by the
11 certificate of a treating physician or practitioner. The
12 certificate shall contain a diagnosis and diagnostic code
13 prescribed in the International Classification of Diseases,
14 or, where no diagnosis has yet been obtained, a detailed
15 statement of symptoms.

16 The certificate shall also contain a statement of medical
17 facts including secondary diagnoses when applicable,
18 within the physician's or practitioner's knowledge, based
19 on a physical examination and a documented medical
20 history of the claimant by the physician or practitioner,
21 indicating his or her conclusion as to the claimant's
22 disability, and a statement of his or her opinion as to the
23 expected duration of the disability.

24 (b) The first and any continuing claim of an individual
25 who obtains care and treatment outside this state, shall be
26 supported by a certificate of a treating physician or
27 practitioner duly licensed or certified by the state or
28 foreign country in which the claimant is receiving the
29 care and treatment. If a physician or practitioner licensed
30 by and practicing in a foreign country is under
31 investigation by the department for filing false claims and
32 the department does not have legal remedies to conduct
33 a criminal investigation or prosecution in that country,
34 the department may suspend the processing of all further
35 certifications until the physician or practitioner fully
36 cooperates, and continues to cooperate with the
37 investigation. A physician or practitioner licensed by and
38 practicing in a foreign country who has been convicted
39 of filing false claims with the department may not file a



1 certificate in support of a claim for disability benefits for
2 a period of five years.

3 (c) For purposes of this part, the term “physician” has
4 the same meaning as it does in Section 3209.3 of the Labor
5 Code. For purposes of this part, “practitioner” means a
6 person duly licensed or certified in California acting
7 within the scope of his or her license or certification who
8 is a dentist, podiatrist, or as to normal pregnancy or
9 childbirth, a *midwife*, nurse midwife, or nurse
10 practitioner.

11 (d) For a claimant who is hospitalized in or under the
12 authority of a county hospital in this state, a certificate of
13 initial and continuing medical disability, if any, shall
14 satisfy the requirements of this section if the disability is
15 shown by the claimant’s hospital chart, and the certificate
16 is signed by the hospital’s registrar. For a claimant
17 hospitalized in or under the care of a medical facility of
18 the United States government, a certificate of initial and
19 continuing medical disability, if any, shall satisfy the
20 requirements of this section if the disability is shown by
21 the claimant’s hospital chart, and the certificate is signed
22 by a medical officer of the facility duly authorized to do
23 so.

24 (e) Nothing in this section shall be construed to
25 preclude the department from requesting additional
26 medical evidence to supplement the first or any
27 continued claim if the additional evidence can be
28 procured without additional cost to the claimant. The
29 department may require that the additional evidence
30 include identification of diagnoses, symptoms, or a
31 statement as to the facts of the claimant’s disability by the
32 physician or practitioner treating the claimant, by the
33 registrar, authorized medical officer, or other duly
34 authorized official of the hospital or health facility
35 treating the claimant, or by an examining physician or
36 other representative of the department.

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