


## MEMORANDUM

<b>DATE</b>	April 9, 2017
<b>TO</b>	Board of Psychology
<b>FROM</b>	 Cherise Burns Central Services Manager
<b>SUBJECT</b>	Agenda Item #4(b)(1)(B)(2) – AB 44 (Reyes) Workers' Compensation: Medical Treatment: Terrorist Attacks: Workplace Violence

### Background:

This bill would create specified exemptions for workers' compensation claims and benefits when the individual was injured as a result of an act of terrorism or violence that occurred in the workplace. Specifically, this bill would exempt these claims from the utilization review process, create a 30 day expedited proceeding to make determinations on these claims, and allow temporary disability payment benefits to be extended up to 240 weeks. This bill would define "act of terrorism" as the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Additionally, this bill would define "violence in the workplace" as an assault against a person with a firearm or other dangerous weapon that results in serious bodily harm or psychological injury.

Physical and psychological injuries from terrorist attacks and incidents of workplace violence are often of a different nature and severity than average workers' compensation claims, making delays in treatment and benefits more detrimental to recovery. Due to the complexity and severity of the physical and psychological injuries of these individuals, staff supports the concept of efforts to ensure that treatment is not delayed or denied due to administrative barriers that do not adequately take into account the complexity and severity of these types of injuries. However, staff does not have comments on the appropriateness of the specific expedited process created by the bill and has concerns about the impact the definition of "violence in the workplace" could have on correctional and institutional settings that have higher incidents of inmate and patient attacks against staff.

**Location:** Assembly Committee on Insurance

**Status:** 04/06/2017 From committee chair, with author's amendments. Amend and refer to Committee on Insurance.



**AB-44 Workers' compensation: medical treatment: terrorist attacks: workplace violence.** (2017-2018)

**SECTION 1.** Section 4610.7 is added to the Labor Code, to read:

**4610.7.** (a) Sections 4610 and 4610.5 shall not apply to medical treatment for an employee or first responder who sustains physical or psychological injury as a result of an act of terrorism or violence in the workplace.

(b) Disputes regarding treatment under this section shall be decided in an expedited proceeding, within 30 days after the declaration of readiness is filed, with a determination as to the rights of the parties made and served by the Workers' Compensation Appeals Board.

(c) This section shall apply retroactively to the employees and first responders injured in the San Bernardino terrorist attack of December 2, 2015, and any other employees or first responders injured by an act of terrorism or violence in the workplace that occurred prior to January 1, 2018.

(d) For purposes of this section, the following terms have the following meanings:

(1) "Act of terrorism" is the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

(2) "Violence in the workplace" means an assault against a person with a firearm or other dangerous weapon that results in serious bodily harm or psychological injury.

**SEC. 2.** Section 4656 of the Labor Code is amended to read:

**4656.** (a) Aggregate disability payments for a single injury occurring prior to January 1, 1979, causing temporary disability shall not extend for more than 240 compensable weeks within a period of five years from the date of the injury.

(b) Aggregate disability payments for a single injury occurring on or after January 1, 1979, and prior to April 19, 2004, causing temporary partial disability shall not extend for more than 240 compensable weeks within a period of five years from the date of the injury.

(c) (1) Aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability shall not extend for more than 104 compensable weeks within a period of two years from the date of commencement of temporary disability payment.

(2) Aggregate disability payments for a single injury occurring on or after January 1, 2008, causing temporary disability shall not extend for more than 104 compensable weeks within a period of five years from the date of injury.

(3) Notwithstanding paragraphs (1) and (2), for an employee who suffers from the following injuries or conditions, aggregate disability payments for a single injury occurring on or after April 19, 2004, causing temporary disability shall not extend for more than 240 compensable weeks within a period of five years from the date of the injury:

(A) Acute and chronic hepatitis B.

(B) Acute and chronic hepatitis C.

(C) Amputations.

(D) Severe burns.

(E) Human immunodeficiency virus (HIV).

(F) High-velocity eye injuries.

(G) Chemical burns to the eyes.

(H) Pulmonary fibrosis.

(I) Chronic lung disease.

*(J) Physical or psychological injury arising from an act of terrorism or violence in the workplace.*

*(4) For purposes of this subdivision, the following terms have the following meanings:*

*(A) "Act of terrorism" is the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.*

*(B) "Violence in the workplace" means an assault against a person with a firearm or other dangerous weapon that results in serious bodily harm or psychological injury.*