

## WORKERS' COMPENSATION RESPONSE TEAM

### Los Angeles, CA

Haight Brown & Bonesteel LLP  
555 South Flower Street  
Forty-Fifth Floor  
Los Angeles, CA 90071  
www.hbblaw.com

### Team Leaders:

#### Shannon Blair Certified Specialist, Workers' Compensation

Business Phone: 213.542.8094  
Fax: 213.542.8100  
Cell Phone: 818.439.4075  
email: sblair@hbblaw.com

#### Thomas Brown Certified Specialist, Workers' Compensation

Business Phone: 213.542.8082  
Fax: 213.542.8100  
Cell Phone: 949.439.9194  
email: tbrown@hbblaw.com

#### Ted Penny Certified Specialist, Workers' Compensation

Business Phone: 213.542.8093  
Fax: 213.542.8100  
Cell Phone: 818.469.0808  
email: tpenny@hbblaw.com

#### Field Adjuster

Ron Phares—Ron Phares & Co.  
P.O. Box 1640  
Monrovia, CA 91017  
Business Phone: 818.957.7117  
Cell Phone: 626.484.7775  
email: rphares@ronphares.com

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## SIGNIFICANT STATUTORY CHANGES IN CALIFORNIA

1. Limits are imposed on psychiatric injury claims: no injury for good faith personnel action; no injury within the first 6 months of employment; no post-termination claim, unless treatment initiated during employment; work events must be the predominant cause of the psychiatric injury. (Cal Labor Code §3208.3.)
2. No permanent disability for compensable consequence claims of psyche, sleep and sex (Cal Labor Code §4660.1, subject to exceptions.)
3. Supplemental Job Displacement Benefit up to \$6,000 when there is permanent disability and ER is unable to offer a return to work. The Voucher cannot be settled for injuries after 1/1/2013, unless the claim is denied. (Cal Labor Code §4658.7.)
4. Utilization Review denial of prescribed medication must be appealed by the injured worker to Independent Medical Review (IMR) within 10 days, all other requests for treatment must be appealed within 30 days. (Cal Labor Code §4610.5.)
5. For dates of injury after 1/1/2018, a fast track created requiring authorization of treatment within 30 days of the date of injury for accepted body parts prescribed by employee's MPN, predesignated physician or employer selected physician without prospective review, with some exceptions. The Request for Authorization must be submitted within 5 days of treatment. (Cal Labor Code §4610.)
6. Limitations are imposed on the number of permitted chiropractic, physical therapy and occupational therapy visits. (Cal Labor Code §4600.) Allows for 24 PT, OT and chiropractic visits pre-surgery. No limit on post-surgery therapy.
7. Utilization review based on peer-reviewed treatment guides is required before medical treatment may be denied. (Cal Labor Code §4610.)
8. Healthcare provider with direct patient care at healthcare facility rebuttable presumption if test positive within 14 days of performing labor or services at place of employment. Rebuttable with evidence EE did not have contact with COVID-19 positive patient during 14 day period. (Cal Labor Code §3212.87.)
9. For dates of injury on or after 7/6/2020 the burden is on the EE to prove with a preponderance of evidence that they contracted COVID-19 at work during an outbreak. An outbreak occurs when 4% of EEs at same job site test positive within 14 days or 4 EEs test positive if less than 100 EEs. ER has 45 days to deny claim. Does not apply if the EE is working from home. COVID-19 rebuttable presumption sunsets 1/1/2024. (Cal Labor Code §3212.88(m))
10. There is no waiting period for temporary disability for COVID claims. COVID-19 sick leave to be used before initiating temporary disability. (Cal Labor Code §3212.88(d).)
11. Trials in person as of 3/21/22. All other hearings via court conference lines. Electronic service permitted via email. (Title 8 Cal Code Regs §10625(b).)
12. The Medical-Legal fee schedule reimbursement for an evaluation increased to \$2015 for the first 200 pages. Every page after is \$3.00 per page. Page declaration required before physician can review records/reports. (Title 8 Cal Code Regs §9785)

## WORKERS' COMPENSATION APPEALS BOARD VENUES

### Anaheim – AHM

1065 N. Link Suite 170  
Anaheim, CA 92806

### Bakersfield – BAK

1800 30th St., Suite 100  
Bakersfield, CA 93301

### Eureka – EUK

100 "H" St., Suite 202  
Eureka, CA 95501

### Fresno – FRE

2550 Mariposa Mall, Suite 4078  
Fresno, CA 93721

### Long Beach – LBO

1500 Hughes Way, Suite C203  
Long Beach, CA 90810

### Los Angeles - LAO

320 W. 4th St., 9th Floor  
Los Angeles, CA 90013

### Marina Del Rey – MDR

4720 Lincoln Blvd., 2nd Floor  
Marina Del Rey, CA 90290

### Oakland – OAK

1515 Clay St., 6th Floor  
Oakland, CA 94612

### Oxnard – OXN

1901 N. Rice Ave., Suite 200  
Oxnard, CA 93030

### Pomona – POM

732 Corporate Center Dr.  
Pomona, CA 91768

### Redding – RDG

250 Hemsted Drive  
Redding, CA 96002

### Riverside – RIV

3737 Main St., Suite 300  
Riverside, CA 92501

### Sacramento – SAC

160 Promenade Cir., Suite 300  
Sacramento, CA 95834

### Salinas – SAL

1880 N. Main St., Suite 100  
Salinas, CA 93906

### San Bernardino – SBR

464 W. Fourth St., Suite 239  
San Bernardino, CA 92401

### San Diego – SDO

7575 Metropolitan Dr., Suite 202  
San Diego, CA 92108

### San Francisco – SFO

455 Golden Gate Ave., 2nd Floor  
San Francisco, CA 94102

### San Jose – SJO

100 Paseo de San Antonio, Suite 241  
San Jose, CA 95113

### San Luis Obispo – SLO

4740 Allene Way, Suite 100  
San Luis Obispo, CA 93401

### Santa Ana – ANA

2 MacArthur Place, Suite 600  
Santa Ana, CA 92707

### Santa Barbara – SBA

130 E. Ortega Street  
Santa Barbara, CA 93101

### Santa Rosa – SRO

50 D. St., Room 420  
Santa Rosa, CA 95404

### Stockton – STK

31 East Channel St., Room 344  
Stockton, CA 95202

### Van Nuys – VNO

6150 Van Nuys Blvd., Suite 105  
Van Nuys, CA 91401

## INTERNET RESOURCES

Forms from the Department of Industrial Relations and the Workers' Comp Appeals Board

✧ <http://www.dir.ca.gov/dwc/forms.html>

Public Access To Workers' Compensation Claims Filings

✧ <https://eams.dwc.ca.gov/WebEnhancement/>

WC Coverage Records through the California Insurance Rating Bureau

✧ <https://www.caworkcompcoverage.com/Disclaimer.aspx>

Database of Qualified Medical Evaluators

✧ <http://www.dir.ca.gov/databases/dwc/qmestartnew.asp>

Rules of Practice and Procedure for the Workers' Compensation Appeals Board

✧ [http://www.dir.ca.gov/t8/ch4\\_5sb2.html](http://www.dir.ca.gov/t8/ch4_5sb2.html)

Approved Medical Provider Networks

✧ [http://www.dir.ca.gov/dwc/mpn/ListApprovedMPN\\_Alpha.pdf](http://www.dir.ca.gov/dwc/mpn/ListApprovedMPN_Alpha.pdf)

Permanent Disability Rating Schedule for Injuries From January 2005

✧ <http://www.dir.ca.gov/dwc/PDR.pdf>

Commission on Health Safety and Workers' Compensation Reports

✧ <http://www.dir.ca.gov/chswc/chswc.html>

Workers' Compensation Appeals Board Decisions

✧ <http://www.dir.ca.gov/wcab/wcab.htm>

California Courts of Appeal Opinions

✧ <http://www.courts.ca.gov/opinions-slip.htm>

DIR List of Criminally Charged Providers

✧ [http://www.dir.ca.gov/fraud\\_prevention/](http://www.dir.ca.gov/fraud_prevention/)

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