



California Workers Compensation Defense Attorneys Association

Legislative Matrix

October 1, 2008

AB 54(Dymally) Health care coverage: acupuncture. (V-08/01/2008 [html](#) [pdf](#))

Introduced: 12/04/2006

Last Amend: 03/03/2008

Status: 08/01/2008-Vetoed by the Governor

Location: 08/01/2008-A VETOED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would require health care service plans and health insurers to provide coverage for acupuncture under a group plan or policy, except as specified, and as subject to the requirement described above. Because the bill would impose new requirements on health care service plans, the willful violation of which would be a crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 419(Lieber) Workers' compensation: public employees: leaves of absence. (V-09/30/2008 [html](#) [pdf](#))

Introduced: 02/16/2007

Last Amend: 04/17/2008

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-A VETOED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would for purposes of these provisions, require that these employees be employed on a regular, or full-time basis, but would eliminate the requirement that these employees be members of the Public Employees' Retirement System or the Los Angeles City Employees' Retirement System or subject to the County Employees Retirement Law of 1937. The bill would also include local park rangers, community college police, and police of a school district among the public employees entitled to the above-described leave of absence. The bill would provide that the provisions pertaining to a leave of absence shall not apply to certain public safety personnel who are employees of the City and County of San Francisco. This bill contains other existing laws.

AB 507(De La Torre) Rating organizations: Internet Web sites. (V-09/30/2008 [html](#) [pdf](#))

Introduced: 02/20/2007

Last Amend: 08/12/2008

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-A VETOED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would provide that a licensed rating organization shall, pursuant to regulations adopted by the Insurance Commissioner after notice and hearing, establish and maintain an Internet Web site for the purposes of assisting any person to determine whether an employer is insured for workers' compensation. This bill contains other related provisions.

[AB 514\(Lieber\)](#) Workplace safety and health. (A-08/11/2008 [html](#) [pdf](#))

Introduced: 02/20/2007

Last Amend: 08/11/2008

Status: 08/31/2008-Failed Deadline pursuant to Rule 61(b)(17). (Last location was APPR. on 08/13/2008)

Location: 09/24/2008-S DEAD

[Redacted]												
Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would declare the intent of the Legislature that the board set as its highest priority protection against the effects of those substances that may cause cancer or reproductive or developmental toxicity. This bill would also require the board to adopt standards establishing permissible exposure limits (PEL) for toxic materials in the workplace that meet specified criteria. This bill would further require that any PEL adopted by the board for a given substance, to the extent feasible, correspond to the health-based occupational exposure level determined for that substance by the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency. In addition, this bill would require OEHHA to submit to the board and to the Division of Occupational Safety and Health a list of toxic materials that meet the criteria established by this bill, with a recommended health-based occupational exposure limit (OEL), not later than February 1, 2009. The bill also would specify the composition of any advisory committee established by the division as well as findings required to be made by the division and the board relating to the adoption of PELs. The bill would also require the Occupational Safety and Health Standards Board to submit, no later than April 1, 2009, to the Governor and the Legislature a schedule for the adoption of standards and PELs.

[AB 515\(Lieber\)](#) Occupational safety and health. (A-09/07/2007 [html](#) [pdf](#))

Introduced: 02/20/2007

Last Amend: 09/07/2007

Status: 08/31/2008-Failed Deadline pursuant to Rule 61(b)(17). (Last location was APPR. on 06/16/2008)

Location: 09/24/2008-S DEAD

[Redacted]												
Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would declare the intent of the Legislature that the board set as its highest priority protection against the effects of those substances that may cause cancer or reproductive or developmental toxicity. This bill would also require the board to adopt standards establishing permissible exposure limits (PEL) for toxic materials in the workplace that meet specified criteria. This bill would further require that any PEL adopted by the board for a given substance, to the extent feasible, correspond to the health-based occupational exposure level determined for that substance by the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency. In addition, this bill would require OEHHA to submit to the board and to the Division of Occupational Safety and Health a list of toxic materials that meet the criteria established by this bill, with a recommended health-based occupational exposure limit (OEL), not later than February 1, 2008. The bill also would specify the composition of any advisory committee established by the division as well as findings required to be made by the division and the board relating to the adoption of PELs. The bill would also require the Occupational Safety and Health Standards Board to submit, no later than April 1, 2008, to the Governor and the Legislature a schedule for the adoption of standards and PELs.

[AB 1565\(Lieber\)](#) Insurance policies: nonprofit organizations. (V-09/30/2008 [html](#) [pdf](#))

Introduced: 02/23/2007

Last Amend: 01/10/2008

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-A VETOED

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Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would add a crime against a place of religious observance or practice, as defined, to those crimes. It would also redefine the term "hate crime" for these purposes.

[AB 1874\(Coto\)](#) State Compensation Insurance Fund. (C-09/26/2008 [html](#) [pdf](#))

Introduced: 02/04/2008

Last Amend: 08/04/2008

Status: 09/26/2008-Chaptered by the Secretary of State, Chapter Number 322, Statutes of 2008

Location: 09/26/2008-A CHAPTERED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would provide that the Board of Directors of the State Compensation Insurance Fund is composed of 11 members, 9 of whom shall be appointed by the Governor. The members appointed by the Governor would include one from organized labor and the others would be required to have substantial experience in various positions, as specified. The Governor would appoint the chairperson. The Speaker of the Assembly would appoint one member who would represent organized labor, and the Senate Committee on Rules would appoint one member who shall have been a policyholder of the State Compensation Insurance Fund or an officer or employee of a policyholder, as specified. This bill would provide for the terms of office of board members, as specified. The Director of Industrial Relations would be an ex officio, nonvoting member of the board. This bill contains other related provisions and other existing laws.

[AB 2081\(Coto\)](#) Workers' compensation. (V-09/30/2008 [html](#) [pdf](#))

Introduced: 02/19/2008

Last Amend: 06/26/2008

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-A VETOED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would provide that it is the burden of the private corporation to establish that the employee was properly excluded, as specified. It would also require a corporation with excluded employees who are not substantial shareholders to file an annual report with the Department of Industrial Relations that lists specified information. This bill contains other related provisions and other existing laws.

[AB 2091\(Fuentes\)](#) Workers' compensation: annual study: access to pharmacy services. (C-07/22/2008 [html](#) [pdf](#))

Introduced: 02/19/2008

Last Amend: 05/19/2008

Status: 07/22/2008-Chaptered by the Secretary of State, Chapter Number 193, Statutes of 2008

Location: 07/22/2008-A CHAPTERED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would additionally require that the study analyze and make recommendations regarding continued access to prescription drugs and pharmacy services by injured workers. This bill contains other existing laws.

[AB 2181\(Ruskin\)](#) Workers' compensation: reports of occupational injury or illness. (C-09/30/2008 [html](#) [pdf](#))

Introduced: 02/20/2008

Last Amend: 08/11/2008

Status: 09/30/2008-Chaptered by Secretary of State - Chapter 740, Statutes of 2008.

Location: 09/30/2008-A CHAPTERED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would require an insured employer to file the report with the insurer on a form prescribed by the Administrative Director of the Division of Workers' Compensation. This bill would require a self-insured employer, the state, or the insurer of an insured employer to file the report in an electronic form prescribed for that purpose by the administrative director. The bill would provide that these changes shall become effective upon the effective date of regulations adopted by the administrative director to implement these changes, subject to specified conditions. This bill contains other existing laws.

AB 2351(Garrick) Workers' compensation: medical treatment utilization reviews. (I-02/21/2008 [html](#) [pdf](#))

Introduced: 02/21/2008

Last Amend:

Status: 05/06/2008-Failed Deadline pursuant to Rule 61(b)(6). Last location was INS.

Location: 05/06/2008-A DEAD

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Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would require that, in cases where the review is retrospective, the decision to modify, delay, or deny services be communicated to the individual who received services, or to the individual's designee, within 30 working days of receipt of information that is reasonably necessary to make this determination.

AB 2692(Hernandez) Insurance: workers' compensation. (A-03/24/2008 [html](#) [pdf](#))

Introduced: 02/22/2008

Last Amend: 03/24/2008

Status: 06/02/2008-Failed Deadline pursuant to Rule 61(b)(11). Last location was INS.

Location: 06/02/2008-A DEAD

[Redacted]												
Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would require the commissioner, by regulation, to establish the minimum reasonable pure loss ratio for all workers' compensation insurers. This bill would establish procedures for determining whether the rate of an individual insurer is excessive relative to the minimum reasonable pure loss ratio and would provide for the refund of excess proceeds to employers insured by the insurer during the time when an excessive rate was in effect, as specified.

AB 2754(Bass) Public safety personnel: MRSA skin infections. (C-09/30/2008 [html](#) [pdf](#))

Introduced: 02/22/2008

Last Amend: 05/23/2008

Status: 09/30/2008-Chaptered by Secretary of State - Chapter 684, Statutes of 2008.

Location: 09/30/2008-A CHAPTERED

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Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would expand the scope of this provision to include any methicillin-resistant Staphylococcus aureus (MRSA) skin infection. The bill would make the MRSA presumption applicable for up to 90 days after termination of service, and would also make the presumption applicable to any of the above safety members, regardless of service under the pension or retirement systems. This bill contains other related provisions and other existing laws.

AB 2969(Lieber) Workers' compensation: medical treatment utilization reviews. (V-09/30/2008 [html](#) [pdf](#))

Introduced: 02/22/2008

Last Amend: 08/12/2008

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-A VETOED

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Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would require that any licensed physician who is conducting such an evaluation be licensed in California. This bill contains other related provisions.

[SB 356\(Negrete McLeod\)](#) List of reportable diseases and conditions. (V-09/26/2008 [html](#) [pdf](#))

Introduced: 02/20/2007

Last Amend: 08/14/2008

Status: 09/26/2008-Vetoed by Governor

Location: 09/26/2008-S VETOED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would delete the specified list of required reportable diseases and conditions. This bill contains other related provisions and other existing laws.

[SB 726\(Alquist\)](#) Workers' compensation: benefits: presumption: blood-borne infectious disease. (A-07/01/2008 [html](#) [pdf](#))

Introduced: 02/23/2007

Last Amend: 07/01/2008

Status: 08/31/2008-Failed Deadline pursuant to Rule 61(b)(17). (Last location was APPR. SUSPENSE FILE on 08/08/2008)

Location: 09/24/2008-A DEAD

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would provide that the above-described definition of injury would apply to claims for benefits filed or pending in the County of Santa Clara on and after April 1, 1995 , for injuries that occurred within that county, but only claims filed prior to January 1, 2010 . The bill would declare that, due to the unique circumstances pertaining to the County of Santa Clara that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

[SB 1115\(Migden\)](#) Workers' compensation: permanent disability reports: apportionment. (V-

09/30/2008 [html](#) [pdf](#))

Introduced: 01/22/2008

Last Amend:

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-S VETOED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would provide that race, religious creed, color, national origin, age, gender, marital status, sex, or genetic predisposition shall not be considered to be a cause or other factor considered in any determination made pursuant to those provisions.

Position: Watch

[SB 1145\(Machado\)](#) State Compensation Insurance Fund. (C-09/26/2008 [html](#) [pdf](#))

Introduced: 02/04/2008

Last Amend: 08/14/2008

Status: 09/26/2008-Chaptered by the Secretary of State, Chapter Number 344, Statutes of 2008

Location: 09/26/2008-S CHAPTERED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would repeal those exemptions, would specify that both the Bagley-Keene Open Meeting Act and the California Public Records Act apply to the fund, and would make conforming changes. The bill would specify that notwithstanding the open meeting and public record requirements, specified information would not be subject to open meetings or public disclosure. This bill contains other related provisions and other existing laws.

[SB 1189\(Cedillo\)](#) Workers' compensation: supplemental job displacement benefits. (A-

03/24/2008 [html](#) [pdf](#))

Introduced: 02/12/2008

Last Amend: 03/24/2008

Status: 05/30/2008-Failed Deadline pursuant to Rule 61(b)(11). Last location was APPR. SUSPENSE FILE

Location: 06/09/2008-S DEAD

[Redacted]												
Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would require, for injuries occurring on or after January 1, 2009, if the employee has not returned to work within 60 days of a disability becoming permanent and stationary, the provision of such a voucher to an injured employee no later than 74 days after the date the disability has been determined to be permanent and stationary. The bill would require the employer, if the percentage of permanent disability has not been determined, to provide a voucher based on the reasonable estimate of the percentage of permanent disability, as specified, and would require the employer, if the percentage of permanent disability is later determined to be higher than that estimate, to provide the additional voucher amount immediately upon determining the correct percentage of permanent disability. The bill would require an employer, if the percentage of permanent disability is later determined to be lower than the estimate, to reissue the voucher in the correct amount, and to notify the employee that any unused portion of the original voucher in excess of the appropriate amount is no longer available. The bill would also require an employer to notify the employee, in a manner prescribed by the administrative director, of an employee's determination of permanent disability consistent with those provisions, and of any delay in determining the employee's correct percentage of permanent disability benefits. This bill contains other related provisions and other existing laws.

[SB 1309\(Calderon\)](#) Workers' compensation: implantable medical devices. (A-04/07/2008 [html](#) [pdf](#))

Introduced: 02/20/2008

Last Amend: 04/07/2008

Status: 06/02/2008-Failed Deadline pursuant to Rule 61(b)(11). Last location was L. & I.R.

Location: 06/02/2008-S DEAD

[Redacted]												
Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would provide that those provisions would not preclude an ambulatory surgical center, hospital outpatient department, or insurance carrier from utilizing a surgical implant provider, as defined, for the provision of implantable medical devices. This bill contains other related provisions and other existing laws.

[SB 1338\(Migden\)](#) Workers' compensation: medical treatment: predesignation of physician. (V-

09/30/2008 [html](#) [pdf](#))

Introduced: 02/20/2008

Last Amend: 04/30/2008

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-S VETOED

[Redacted]												
Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

Summary: Would delete the December 31, 2009, repeal date for those provisions pertaining to an employee's predesignation of a personal physician. This bill contains other related provisions and other existing laws.

SB 1467(Machado) Insurance: guarantee fund. (C-09/27/2008 [html](#) [pdf](#))

Introduced: 02/21/2008

Last Amend: 06/17/2008

Status: 09/27/2008-Chaptered by the Secretary of State, Chapter Number 407, Statutes of 2008

Location: 09/27/2008-S CHAPTERED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would provide that all meetings of the board of governors of the association and its investment and audit committees shall be open and public and all persons shall be permitted to attend, as specified. The bill would define "meeting" to include any congregation of a majority of the members of the board of governors or the investment and audit committee, as applicable, at the same time to hear, discuss, or deliberate upon any item that is within the responsibility of the association, as defined, or in the association's plan of operation, with specified exceptions. The bill would provide that the meetings shall comply with the Americans with Disabilities Act of 1990, that meetings be noticed, as specified, and that the public be given an opportunity to comment on issues addressed at the meetings. The bill would provide for closed meetings under specified circumstances. The bill would also define the commissioner's role in the meetings of the association.

SB 1717(Perata) Workers' compensation: permanent partial disability benefits. (V-

09/30/2008 [html](#) [pdf](#))

Introduced: 02/22/2008

Last Amend: 05/01/2008

Status: 09/30/2008-Vetoed by the Governor

Location: 09/30/2008-S VETOED

Dead/2YR	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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Summary: Would eliminate those provisions requiring an employer to pay an injured employee a decreased amount of permanent disability benefits if, within 60 days of a disability becoming permanent and stationary, the employer offers the injured employee regular work, modified work, or alternative work, within those specified time periods, regardless of whether the injured employee accepts or rejects the offer. The bill would also revise the formula for computing those benefits for injuries causing permanent disability, which occur on or after January 1, 2009.