



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

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

SHARE THIS:  

Date Published: 10/13/2017 09:00 PM

**Assembly Bill No. 44**

**CHAPTER 736**

An act to add Section 4600.05 to the Labor Code, relating to workers' compensation.

[ Approved by Governor October 13, 2017. Filed with Secretary of State October 13, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 44, Reyes. Workers' compensation: medical treatment: terrorist attacks: workplace violence.

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. Under existing law, an employer must provide reasonably required treatments, including, but not limited to, medical and surgical treatment, to cure or relieve an employee's injuries sustained in the course of his or her employment.

This bill would require employers to provide immediate support from a nurse case manager to employees injured in the course of employment by an act of domestic terrorism, as defined, would require employer-appointed nurse case managers to assist claimants to obtain medically necessary medical treatments, as specified, and would require an employer to provide a prescribed notice to claimants, as specified. The bill would make its provisions applicable only if the Governor declares a state of emergency, as defined, in connection with the act of domestic terrorism.

This bill would make related legislative findings and declarations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

(a) Acts of domestic terrorism, such as the December 2, 2015, attack on the Inland Regional Center in San Bernardino, with the number and severity of the injuries inflicted upon people at work, can present unique issues for the workers' compensation system.

(b) Victims of acts of domestic terrorism, as defined by Section 2331 of Title 18 of the United States Code, whose injuries arise out of and in the course of employment, are entitled to the full benefits of the workers' compensation laws of this state, including medically necessary medical treatment, as defined by the medical treatment utilization schedule, for all accepted, diagnosed, physical and mental injuries, which may include counseling or other mental health services.

(c) Treatment provided to all injured workers, including mental health treatment and counseling services for psychological injuries and post-traumatic stress disorder, is provided by health care providers who are trained and qualified to treat those injuries, and

providers who are not competent on the basis of training and experience to treat specific patients referred to the provider have a duty under existing law to refer the patient to a qualified provider.

(d) Because of the unique circumstances surrounding the number and severity of injuries that can be caused by a single act of domestic terrorism, and the extent to which the needs to provide this treatment quickly and comprehensively in potentially small service markets, it is appropriate to provide workers with injuries that result from an act of domestic terrorism with additional advocacy services, as provided by this bill.

**SEC. 2.** Section 4600.05 is added to the Labor Code, to read:

**4600.05.** (a) An employer, as defined in Section 3300, shall provide immediate support from a nurse case manager for employees injured by an act of domestic terrorism, as defined in Section 2331 of Title 18 of the United States Code, whose injuries arise out of and in the course of employment, to assist injured employees in obtaining medically necessary medical treatment, as defined by the medical treatment utilization schedule adopted pursuant to Section 5307.27, and to assist providers of medical services in seeking authorization of medical treatment.

(b) (1) This section shall apply only if the Governor has declared a state of emergency pursuant to subdivision (b) of Section 8558 of the Government Code in connection with the act of domestic terrorism.

(2) Upon the issuance of a declaration pursuant to paragraph (1), an employer that has been notified of a claim for compensation arising out of the acts that resulted in the declaration shall provide a notice within three days to the claimant advising the claimant of medically necessary services provided pursuant to subdivision (a). In the case of a claim for compensation subject to this section that is filed after the declaration, the employer shall provide the notice to the claimant within three days. The notice shall be in the form adopted by the administrative director pursuant to subdivision (d).

(c) This section shall not alter the conditions for compensability of an injury, as described in Sections 3208.3 and 3600.

(d) The administrative director shall adopt regulations to implement this section, including, but not limited to, the definition of a nurse case manager's qualifications, the scope and timing of immediate support from a nurse case manager, and the contents of the notice that employers shall provide to claimants.