

ASSEMBLY BILL

No. 2086

Introduced by Assembly Member Knowles

January 22, 1996

An act to amend Section 4660 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2086, as introduced, Knowles. Workers' compensation.

Under workers' compensation law, the administrative director of the Division of Workers' Compensation of the Department of Industrial Relations may prepare, adopt, and amend a schedule for the determination of the percentage of permanent disabilities based on various factors, including the nature of the injury, the age and occupation of the employee, and the diminished ability of the employee to compete in an open labor market.

This bill instead would require a determination of the existence and percentage of an employee's permanent impairment to be made in accordance with the whole body rating criteria used in the most recent editions of the American Medical Association's "Guides for the Evaluation of Permanent Impairment."

Existing law provides that a schedule adopted by the administrative director shall be prima facie evidence of the percentage of permanent disability to be attributed to an injury. Existing law also provides that an adopted schedule and amendments to the schedule shall apply prospectively to permanent disabilities resulting from compensable injuries

received or occurring on or after the effective date of the schedule or amendments.

This bill would repeal these and other related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4660 of the Labor Code is
2 amended to read:

3 ~~4660. (a) In determining the percentages of~~
4 ~~permanent disability, account shall be taken of the nature~~
5 ~~of the physical injury or disfigurement, the occupation of~~
6 ~~the injured employee, and his age at the time of such~~
7 ~~injury, consideration being given to the diminished~~
8 ~~ability of such injured employee to compete in an open~~
9 ~~labor market.~~

10 ~~(b) The administrative director may prepare, adopt,~~
11 ~~and from time to time amend, a schedule for the~~
12 ~~determination of the percentage of permanent~~
13 ~~disabilities in accordance with this section. Such schedule~~
14 ~~shall be available for public inspection, and without~~
15 ~~formal introduction in evidence shall be prima facie~~
16 ~~evidence of the percentage of permanent disability to be~~
17 ~~attributed to each injury covered by the schedule.~~

18 ~~(c) Any such schedule and any amendment thereto or~~
19 ~~revision thereof shall apply prospectively and shall apply~~
20 ~~to and govern only those permanent disabilities which~~
21 ~~result from compensable injuries received or occurring~~
22 ~~on and after the effective date of the adoption of such~~
23 ~~schedule, amendment or revision, as the fact may be.~~

24 ~~(d) On or before January 1, 1995, the administrative~~
25 ~~director shall review and revise the schedule for the~~
26 ~~determination of the percentage of permanent~~
27 ~~disabilities. The revision shall include, but not be limited~~
28 ~~to, an updating of the standard disability ratings and~~
29 ~~occupations to reflect the current labor market.~~
30 ~~However, no change in standard disability ratings shall be~~
31 ~~adopted without the approval of the Commission of~~
32 ~~Health and Safety and Workers' Compensation. A~~



1 ~~proposed revision shall be submitted to the commission~~
2 ~~on or before July 1, 1994. A determination of the existence~~
3 ~~and percentage of an employee's permanent impairment~~
4 ~~shall be made in accordance with the whole body rating~~
5 ~~criteria used in the most recent edition of the American~~
6 ~~Medical Association's "Guides for the Evaluation of~~
7 ~~Permanent Impairment."~~

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