

## MEMORANDUM

<b>DATE</b>	May , 2017
<b>TO</b>	Policy and Advocacy Committee
<b>FROM</b>	 Cherise Burns Central Services Manager
<b>SUBJECT</b>	Agenda Item #6(c)(2) – AB 44 (Reyes) Workers' Compensation: Medical Treatment: Terrorist Attacks: Workplace Violence

### **Background:**

This bill would require employers to provide immediately accessible advocacy services to employees injured in the course of employment by an act of domestic terrorism, as defined, when the Governor has declared a state of emergency due to that act of domestic terrorism.

Prior to the April 20 amendments the bill would have created 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 and would have extended those benefits for these individuals.

According to the Assembly Committee on Insurances analysis, the previous version of the bill would not have resulted in faster dispute resolution for these injured workers. This analysis also noted that the Department of Workers' Compensation review of the San Bernardino case found that a nurse case manager serving as ombudsperson might be a more appropriate solution in these situations and that having someone available to these workers to facilitate the approval of claims and treatment requests between providers and claims administrators would likely resolve the problems that occurred in the San Bernardino case. The April 20 amendments move this bill to that ombudsman model and clarifies that it applies only to acts of domestic terrorism and when and how that determination is made.

**Location:** Assembly Floor

**Status:** 5/3/2017 Do pass. To Assembly Consent Calendar.

**Votes:** 5/3/2017 Assembly Committee on Appropriations (16-0-1)  
4/19/2017 Assembly Committee on Insurance (13-0-0)

### **Action Requested:**

No action is required at this time. Staff will continue to watch AB 44 (Reyes) due to its potential to improve adequate and timely access to necessary treatment for workers injured during incidents of domestic terrorism.

Attachment: AB 44 (Reyes) Text

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

**SECTION 1.** *Section 4600.05 is added to the Labor Code, to read:*

*4600.05. (a) All employers, as defined in Section 3300, shall provide immediately accessible advocacy services for employees injured in the course of employment by an act of domestic terrorism, as defined in Section 2331 of Title 18 of the United States Code, to assist injured employees in obtaining medical treatment and to assist providers of medical services in seeking authorization and payment of medical treatment. These advocacy services may be provided by the employer, the employer's insurer, or the employer's claims administrator.*

*(b) This section shall apply only when 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.*

*(c) Nothing in this section is intended to alter the conditions for compensability of an injury, as defined in Section 3600.*

*(d) The administrative director shall adopt regulations to implement this section.*