

WCIRB Bulletin

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2023 California Legislation Summary

The California Legislature recessed for the year on September 14 and the Governor had until October 14 to sign or veto any bills passed by the Legislature. This Bulletin summarizes legislation that may be of interest to the workers' compensation insurance community.

COVID-19 Presumption Sunsetting

In September 2020, Senate Bill No. 1159 was signed by the Governor and created a COVID-19 presumption until January 1, 2023 for first responders and certain health care workers. The bill also created a presumption for all employees whose employers have five or more employees and who test positive for COVID-19 during an outbreak at their specific workplace.

Assembly Bill No. 1751 was signed last year and extended the COVID-19 presumptions to January 1, 2024. As there was no legislation this year extending the COVID-19 presumptions, they will sunset on January 1, 2024.

Signed Bills

The following bills were signed by the Governor and become law effective January 1, 2024.

Assembly Bill No. 336

As of July 1, 2024, this bill requires an active licensee of the Contractors State License Board to certify on the license renewal form the three workers' compensation classification codes for which the highest estimated payroll is reported on the policy and prohibits renewal without that certification. The bill provides that the Board is not required to verify or investigate the accuracy of the licensee's classification codes and will not be held liable for any misreported classification codes. The bill also requires the Board to include the classification codes certified by the licensee on its internet website.

Assembly Bill No. 489

This bill extends the authorization deadline to deposit indemnity payments in a prepaid card account from January 1, 2024 to January 1, 2025.

Assembly Bill No. 621

Existing law provides that no benefits, except reasonable expenses of burial not exceeding \$1,000, shall be awarded under the workers' compensation laws on account of the death of an employee who is an active member of the Public Employees' Retirement System, unless the death benefits available under the Public Employees' Retirement Law are less than the workers' compensation death benefits. In that case, the surviving spouse and children of the employee are also entitled to the difference between the 2 death benefit amounts. Existing law exempts local safety members and patrol members from this limitation and this bill expands that exemption to include state safety members, peace officers and firefighters for the Department of Forestry and Fire Protection who are members of Bargaining Unit 8.



Senate Bill No. 553

Effective July 1, 2024, this bill requires an employer to establish, implement and maintain an effective workplace violence prevention plan as part of their injury prevention program. The bill also requires the employer to record information in a violent incident log for every workplace violence incident and to provide effective training to employees on the workplace violence prevention plan and additional training when a new or previously unrecognized workplace violence hazard has been identified and when changes are made to the plan.

The bill requires records of workplace violence hazard identification, evaluation, and correction and training records to be created and maintained, and violent incident logs and workplace incident investigation records to be maintained.

This bill requires the Division of Occupational Safety and Health to enforce the workplace violence prevention plan and related requirements by issuance of a citation and a notice of civil penalty, as well as authorizes the appeal of a citation and penalty. The bill requires the division to propose, no later than December 1, 2025, and the standards board to adopt standards regarding the plan no later than December 31, 2026.

Senate Bill No. 623

Existing law provides that, until January 1, 2025, for certain state and local firefighting personnel and peace officers, the term “injury” includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit and creates a disputable presumption that the injury arises out of and comes in the course of employment.

This bill extends that provision until January 1, 2029 and requires the Commission on Health and Safety and Workers’ Compensation to submit reports to the Legislature analyzing the effectiveness of the presumption and a review of claims filed by specified types of employees, not included in the presumption, such as public safety dispatchers.

Senate Bill No. 743

Existing law requires an insurer, in connection with an insurance application, contract, or provision, who prints, reproduces, or furnishes a form to any person that applies for a policy or seeks to make a change to an existing policy to include a prominent statement that it is a crime to knowingly present false and fraudulent information to obtain or amend insurance coverage. This bill, for purposes of that provision, furnishes information relating to underwriting criteria affecting premium or eligibility for coverage, under an existing policy, instead of when that person applies for a policy or seeks to make a change to an existing policy.

Senate Bill No. 793

This bill codifies an insurer’s requirement to annually provide a clear and conspicuous privacy notice to customers and authorizes the notice to be combined with the other notices. The bill states that an insurance institution or agent is in compliance with this requirement if specified criteria are met, including informing the consumer of the right to submit a written request to access, correct, amend or delete their personal information.

Vetoed Bills

The following legislation was vetoed by the Governor.

Assembly Bill No. 699

This bill would have expanded public safety presumptions, including for post-traumatic stress and exposure to biochemical substances, to City of San Diego Fire and Rescue Lifeguards. The bill also would have increased the period of time after termination of employment that a lifeguard can file a claim for skin cancer.

Assembly Bill No. 1145

This bill would have expanded the post-traumatic stress presumption to certain state nurses, psychiatric technicians, and various medical and social services specialists for injuries occurring on or after January 1, 2024 through January 1, 2030.

Assembly Bill No. 1213

With respect to the 104-week temporary disability cap, this bill, from January 1, 2024 until January 1, 2027, would have required that if a denial of treatment requested by a treating physician is subsequently overturned by independent medical review or by the WCAB, any temporary disability to which the employee is entitled to receive or becomes entitled to receive from the date of the denial until the treatment is authorized would not be included in the calculation of the aggregate disability payments. This bill also would have clarified that aggregate disability payments during the period in which the medical treatment was disputed may be extended up to a maximum of 90 days per medical treatment dispute.

Senate Bill No. 391

This bill would have expanded the skin cancer presumption to certain peace officers of the Department of Fish and Wildlife and the Department of Parks and Recreation.