



## THE CALIFORNIA ASSEMBLY COMMITTEE ON INSURANCE APPROVED AB1870

BY: SCOTT A. O'MARA

The Assembly Committee on Insurance has now approved AB1870 by Assembly member Liz Ortega. Once approved by the Assembly it moves to the State Senate, and with their approval it goes to the Governor for his signature. AB1870 establishes a clear mandate that the employer post additional information regarding the employee's right for legal representation. If the employer does not follow the proper procedures to educate the employee by posting the rights for treatment, other benefits, and the added rights for legal representation, it will result in a **misdeemeanor**.

Currently L.C. §3550 states:

- 1) How to obtain emergency medical treatment, if needed.
- 2) The kinds of events, injuries and illnesses covered by workers' compensation.
- 3) The injured employee's right to receive medical care.

AB1870 adds to L.C. §3550 as follows:

- 4) The injured employee may consult with a licensed attorney to advise them of their rights under workers' compensation laws. In some instances attorney fees may be paid from an injured employee's recovery.

Continuing with L.C. §3550:

- 5) The rights of the employee to select and change the treating physician pursuant to provisions of L.C. §4600.
- 6) The rights of the employee to receive temporary disability indemnity, permanent disability indemnity, supplemental job displacement and death benefits as appropriate.
- 7) To whom injuries should be reported.
- 8) The existence of time limits for the employer to be notified of an occupational injury.
- 9) The protections against discrimination provided pursuant to L.C. section 132a.
- 10) The internet website address and contact information that employees may use to obtain further information about the workers' compensation claims process and an injured employees' rights and obligations, including the location and telephone number of the nearest Information and Assistance Officer (through the WCAB).

A significant element of the current L.C. §3550 is section (e) which states if the employer fails to provide proper notices the employee is permitted to be treated by their personal physician during the failure of not providing notice. This could be a short window but it does allow for treatment.

Labor Code §3550 and the update by AB1870 provide a more complete opportunity for the injured worker to be cured or relieved from the job related injury. Labor Code §3550 states that the information in L.C. §3550 must be “posted and keep in a conspicuous location frequented by employees, and where the notice may (be) easily read by employees during the hours of the work day”. “Failure to keep any notice required by the State shall constitute a misdemeanor.”

The mandate by the current L.C. §3550 and the update made by AB1870 removes some of the restraint and guilt some employers place on the injured worker’s opportunity to receive medical care to cure or relieve the effects of the job related injury.



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**NOTICE:** *Making a false or fraudulent Workers’ Compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.*

