

SEC. 18. Section 4064 of the Labor Code is amended to read:

4064. (a) The employer shall be liable for the cost of each reasonable and necessary comprehensive medical-legal evaluation obtained by the employee pursuant to Sections 4060, 4061, and 4062. Each comprehensive medical-legal evaluation shall address all contested medical issues arising from all injuries reported on one or more claim forms.

~~(b) For injuries occurring on or after January 1, 2003, if an unrepresented employee obtains an attorney after the evaluation pursuant to subdivision (d) of Section 4061 or subdivision (b) of Section 4062 has been completed, the employee shall be entitled to the same reports at employer expense as an employee who has been represented from the time the dispute arose and those reports shall be admissible in any proceeding before the appeals board.~~

~~(e)~~ Subject to Section 4906, if an employer files an application for adjudication and the employee is unrepresented at the time the application is filed, the employer shall be liable for any attorney's fees incurred by the employee in connection with the application for adjudication.

~~(d)~~ (c) The employer shall not be liable for the cost of any comprehensive ~~medical~~ medical-legal evaluations obtained by the employee other than those authorized pursuant to Sections 4060, 4061, and 4062. However, no party is prohibited from obtaining any ~~medical~~ evaluation or consultation at the party's own expense. In no event shall an employer or employee be liable for an evaluation obtained in violation of subdivision (b) of Section 4060. All comprehensive ~~medical~~ medical-legal evaluations obtained by any party shall be admissible in any proceeding before the appeals board except as provided in subdivisions (d) and (m) of Section 4061 and subdivisions (b) and (e) of Section 4062.

SEC. 19. Section 4452.5 of the Labor Code is amended to read:
4452.5 As used in this division:

(a) "Permanent total disability" means a permanent disability with a rating of 100 percent permanent disability only.

(b) "Permanent partial disability" means a permanent disability with a rating of less than 100 percent permanent disability.

(c) "*Permanent and stationary*" means that, based on objective findings of medical evidence, no further material improvement would reasonably be expected from additional medical treatment or the passage of time.

SEC. 20. Section 4453.1 of the Labor Code is added to the Labor Code to read:

4453.1 *Notwithstanding any other provision of law, no inmate of a correctional institution shall be eligible for temporary disability or permanent disability. The sole remedy for care and redress shall be in-custody medical treatment as provided by the county or state penal institution. The state, county or municipality in which an injury occurs shall have the responsibility to provide medical care to the inmate while confined. Medical care provided while in custody shall be considered the sole remedy for an injury that occurs while in custody.*

SEC. 21. Section 4600 of the Labor Code is amended to read:

4600. (a) Medical, surgical, chiropractic, acupuncture, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, including orthotic and

prosthetic devices and services, that is reasonably required to cure ~~or~~ *and* relieve from the effects of the injury shall be provided by the employer. In the case of his or her neglect or refusal ~~seasonably~~ *reasonably* to do so, the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing treatment. ~~After~~

(b) (1) *As used in this division and notwithstanding any other provision of law, medical treatment that is reasonably required to cure and relieve the injured worker from the effects of his or her injury means treatment consistent with the guidelines promulgated by the administrative director pursuant to Section 5307.27, or any guidelines meeting the requirements of Section 5307.27.*

(2) *Paragraph (1) shall apply to all treatment requested on or after July 1, 2004, including treatment for injuries sustained prior to that date.*

(c) *After 30 days from the date the injury is reported, the employee may be treated by a physician of his or her own choice or at a facility of his or her own choice within a reasonable geographic area, only if the selection of the physician or facility is mutually agreed to by the employer. However, if an employee has notified his or her employer in writing prior to the date of injury that he or she has a personal physician and the employer has agreed to the choice, the employee shall have the right to be treated by that physician from the date of injury. If an employee requests a change of physician pursuant to Section 4601, the request may be made at any time after the injury, and the alternative physician, chiropractor, or acupuncturist shall be provided within five days of the request as required by Section 4601.* For the purpose of this section, "personal physician" means the employee's regular physician and surgeon, licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, who has previously directed the medical treatment of the employee, and who retains the employee's medical records, including his or her medical history. ~~Where~~

(d) (1) *Where* at the request of the employer, the employer's insurer, the administrative director, the appeals board, or a workers' compensation judge, the employee submits to examination by a physician, he or she shall be entitled to receive in addition to all other benefits herein provided all reasonable expenses of transportation, meals, and lodging incident to reporting for the examination, together with one day of temporary disability indemnity for each day of wages lost in submitting to the examination. ~~Regardless~~

(2) *Regardless* of the date of injury, "reasonable expenses of transportation" includes mileage fees from the employee's home to the place of the examination and back at the rate of twenty-one cents (\$0.21) a mile or the mileage rate adopted by the Director of the Department of Personnel Administration pursuant to Section 19820 of the Government Code, whichever is higher, plus any bridge tolls. The mileage and tolls shall be paid to the employee at the time he or she is given notification of the time and place of the examination. ~~Where~~

(e) *Where* at the request of the employer, the employer's insurer, the administrative director, the appeals board, a workers' compensation judge, an employee submits to examination by a physician and the employee does not proficiently speak or