

# Index

## **ABSENCE**

Earnings, **201:4**  
Retaliation, **311:15**

## **ABSENCES, UNAUTHORIZED**

Employee misconduct, **115:1.1**

## **ABUSE OF DRUGS OR ALCOHOL**

**Employee Misconduct** (this index)

## **ABUSE OF PROCESS**

Third persons, remedies against, **103:5**

## **ACCEPTANCE**

Payments, **205:13**

## **ACCIDENTS AND INJURIES**

Generally, **108:1 to 108:16.3**  
Accident, generally, **108:2**  
Accidental injury requirement, **108:1**  
Admissibility of evidence, **306:11**  
Apportionment between disease, injury,  
and nonwork-related injury, **109:7**  
Assault or firearms, accidental discharge  
of firearms, **114:16**  
Burn injuries, **108:16.1**  
Causation, **108:10, 202:4**  
Cerebrovascular accidents and traumatic  
brain injury, **108:15.1**  
Chronic whiplash, **108:16.2**  
**Claim Investigations** (this index)  
Claims, generally, **301:3**  
Compensability, **108:14**  
Compensation agreements, **204:4**  
Compensation and benefits, **108:16**  
Concurrent injuries as overlapping dis-  
abilities, **200:24**  
Covered dependents, **107:2, 107:3**  
Crush injuries, **109:11**  
Cumulative injuries, **108:11**  
Death, **107:2, 107:3**  
Diseases, **107:2, 107:3, 109:8**  
**Employee Misconduct** (this index)  
**Employment Connection** (this index)

## **ACCIDENTS AND INJURIES—Cont'd**

### **Evidence**

Admissibility of evidence, **306:11**  
Causation, **108:10**  
Presumptions and burden of proof,  
**305:8**  
Weight and sufficiency of evidence,  
**307:5**  
External force requirement, **108:8**  
Fault or blame, **108:4, 108:5**  
Harmful change in human organism,  
**108:3**  
Hernias, **108:13**  
Injury, generally, **108:2**  
In-state injuries, **104:14, 104:15**  
Intentionally self-inflicted injury, **115:4,**  
**115:5**  
Latex, reactions to, **109:34**  
**Maritime Injuries** (this index)  
**Medical Benefits** (this index)  
Motor vehicle accidents, **102:25**  
**Noncompensable Injuries** (this index)  
Nondisabling injuries, **202:3**  
Notice and claim, **303:1**  
Notice of injury, **301:2**  
Objective symptoms requirement, **108:9**  
**Off-Duty Injuries** (this index)  
Out-of-state injuries, **104:16, 104:17**  
Overlapping disabilities, **200:23 to**  
**200:25**  
Parking lot injuries, **111:14**  
Post-injury job offer, **305:22**  
Presumptions and burden of proof,  
**305:8, 305:22**  
Prosthetic devices, injuries to, **108:12**  
Reports, **306:11**  
Same injury, **200:23**  
Second injury fund claims, **204:4**  
Statute, injuries not specified by, **200:21**  
**Subsequent Injuries** (this index)  
**Successive Injuries** (this index)  
Sudden event, accident as, **108:7**

**ACCIDENTS AND INJURIES—Cont'd**

Third persons, **108:5, 202:4**  
 Time, **107:3, 301:2, 301:3**  
 Time limitations, **301:2, 301:3**  
 Training injuries, **108:16.3**  
**Treatment** (this index)  
 Unexpected event, accident as, **108:6**  
 Unscheduled injuries, **200:15 to 200:18**  
 Violation of specific safety requirement (VSSR), **115:16**  
**Weather Injuries** (this index)  
 Weight and sufficiency of evidence, **307:5**

**ACCURACY**

Presumptions and burden of proof, correctness of report, **305:27**

**ACQUIESCENCE OF EMPLOYER**

Misconduct of employee, **115:12, 115:23**

**ACT OF GOD**

Defenses, **113:3**

**ACUPUNCTURE**

Medical benefits, **202:26**

**ADDICTION**

Disease, drug and alcohol addiction as, **109:43**  
 Opioid addiction, weaning off, **109:44**  
 Subsequent injuries, alcohol or drug addiction as pre-existing condition, **116:11**

**ADDITIONAL EVIDENCE**

Appeal and review, **315:7**  
 Hearing, **316:6**

**ADMINISTRATIVE INTERPRETATION**

Generally, **100:6**

**ADMINISTRATIVE LAW JUDGE**

Admissibility of evidence, witness, **306:20.1**

**ADMINISTRATIVE PROCEDURE ACT**

Generally, **300:4**

**ADMINISTRATIVE PROCEEDINGS**

Generally, **300:1 et seq.**  
 Administrative Procedure Act, **300:4**

**ADMINISTRATIVE PROCEEDINGS—Cont'd**

**Administrative Review** (this index)  
**Admissibility of Evidence** (this index)  
 Advisors of claimant, **300:12**  
 Alternative dispute resolution, **300:9 to 300:11**  
 Appeal and review. **Administrative Review** (this index)  
 Arbitration, **300:11**  
**Award** (this index)  
 Collateral estoppel, **300:16**  
 Death of claimant, **300:17.1**  
 Estoppel, **300:14 to 300:16**  
**Hearing** (this index)  
 Impecunious claimants, **300:13**  
 Investigations, **300:5**  
 Jurisdiction, **300:3**  
 Laches, **300:16.10**  
 Legal immunity, **300:17**  
 Mediation, **300:10**  
**Medical Examinations** (this index)  
**Notice and Claim** (this index)  
 Ombudsmen, **300:12**  
**Parties** (this index)  
 Penalty proceedings, **300:7**  
**Presumptions and Burden of Proof** (this index)  
 Res judicata, **300:15**  
**Retaliation** (this index)  
 Review. **Administrative Review** (this index)  
 Rulemaking, **300:6**  
 Small claims, **300:8**  
 Summary and simple nature, **300:2**  
**Time Limitations** (this index)  
**Weight and Sufficiency of Evidence** (this index)

**ADMINISTRATIVE REVIEW**

Generally, **310:1 et seq.**  
 Awards, stay pending review, **309:6**  
 Cross-appeal, **310:7**  
 Decision, **310:11**  
 Hearing, **310:10**  
 Interrogatories, application to review or modify prior award, **320:19**  
 Judicial review. **Appeal and Review** (this index)  
 Notice, **310:6**

## INDEX

### **ADMINISTRATIVE REVIEW—Cont'd**

Orders as appealable, **310:3**  
Parties, **310:4**  
Petition for review, **310:5**  
Records, **310:8**  
Scope of review, **310:9**  
Time limitations, **310:2**

### **ADMISSIBILITY OF EVIDENCE**

Generally, **306:1 et seq.**  
Administrative law judge as witness, **306:20.1**  
Alcohol and drug test results, **306:21**  
AMA guides, **306:17**  
Claimant and witness testimony, **306:6.1**  
Criminal records, **306:22**  
Cross-examination, **306:3.10**  
Deceased's statements and conversations, **306:26**  
Depositions, **306:5**  
Earning capacity evidence, **306:25**  
Earnings evidence, **306:25**  
Employer reports, **306:10**  
Employer tax records, **306:10.1**  
Employment evidence, **306:23**  
Expert medical testimony, **306:16, 306:17**  
Expert nonmedical testimony, **306:19**  
False medical reports, **306:14.1**  
Formal rules of evidence, **306:2**  
Hearsay, **306:3**  
Injury reports, **306:11**  
Investigator's reports, **306:12**  
Lay disability testimony, **306:20**  
Medical and hospital records, **306:15**  
Medical evidence, generally, **306:13**  
Medical reports, **306:14**  
Medical treatises and articles, **306:18**  
Official publications, **306:8**  
Payment of compensation benefits, **306:27**  
Privileged communications, **306:9**  
Records and reports, see lines throughout this topic  
Settlement conferences, **306:9.1**  
Statements, **306:6, 306:26**  
Testimony, see lines throughout this topic  
Transcripts, **306:4**  
Videotapes, **306:7**

### **ADMISSIBILITY OF EVIDENCE**

#### **—Cont'd**

Vocational evidence, **306:24**  
Witness, administrative law judge as, **306:20.1**

### **ADMISSIONS**

Discovery, **320:39**

### **ADVICE**

Failure to advise to obtain insurance, **101:29**

### **ADVISORS**

Claimant advisors in administrative proceedings, **300:12**

### **AFFIDAVITS**

Depositions, affidavit of attorney in support of de bene esse motion, **320:24**

### **AFTER HOURS TRAINING**

Off-duty injuries, **112:35 to 112:37**

### **AGENTS**

Real estate agents as covered employees, **106:52**

### **AGGRAVATION**

Diseases, **109:9**  
Subsequent injuries, **116:22**

### **AGREEMENTS**

**Contracts and Agreements** (this index)

### **AGRICULTURE**

Cessation of farming, compensation and benefits, **200:37.2**  
Compulsory coverage, **101:13**  
Covered employees, **106:8**  
Covered employers, **105:8**

### **AIDS**

Generally, **109:16**

### **AIR AMBULANCES**

Airline Deregulation Act, federal preemption and, **104:28.2**

### **AIRLINE DEREGULATION ACT**

Air ambulances, federal preemption, **104:28.2**

### **AIR PATROL**

Covered employees in Civil Air Patrol, **106:18**

**AIR QUALITY (INDOORS)**

Claim investigations, survey, **318:24**

**ALCOHOL**

Addiction, **109:43, 116:11**

**Employee Misconduct** (this index)

Evidence, **306:21, 307:20**

Off-duty injuries, alcohol rehabilitation, **112:39**

Subsequent injuries, alcohol addiction as pre-existing condition, **116:11**

Test results, admissibility of, **306:21**

Weight and sufficiency of evidence of intoxication, **307:20**

**ALIENS**

Covered employees, **106:9**

**ALLERGIC REACTIONS**

Diseases, **109:35**

**ALLOWANCES**

Expense allowances, **201:31**

**ALTERNATIVE DISPUTE RESOLUTION**

Administrative proceedings, **300:9 to 300:11**

Arbitration, **300:11**

Mediation, **300:10**

**AMA GUIDES**

Admissibility of evidence, **306:17**

Weight and sufficiency of evidence, **307:13**

**AMBIGUITY**

Compensation agreements, **204:14**

**AMBULANCE PERSONNEL**

Covered employees, **106:10**

**AMYOTROPHIC LATERAL SCLEROSIS (ALS)**

Diseases, **109:31.8, 109:63**

**ANCILLARY ACTIVITIES RULE**

Off-duty injuries, **112:2**

**ANIMAL CARE PERSONNEL**

Independent contractors as covered employees, **106:34**

**ANKYLOSIS**

Diseases, **109:13**

**ANNUITIES**

Payments, **205:10**

**ANSWER**

**Interrogatories** (this index)

**ANTI-COMPENSATION-AVOIDING DEVICES STATUTES**

Generally, **311:6**

**ANTI-DISCHARGE STATUTES**

Generally, **311:3**

**ANTI-DISCRIMINATION STATUTES**

Generally, **311:4**

**ANTI-HARASSMENT STATUTES**

Generally, **311:5**

**APPEALABLE ORDERS**

Administrative review, **310:3**

**APPEAL AND REVIEW**

**Administrative Review** (this index)

**Judicial Review** (this index)

**APPEARANCE**

Hearing, nonappearances, **308:13**

**APPELLATE JURISDICTION**

Jurisdiction, **313:6 to 313:8, 313:12**

**APPLICATION FOR EMPLOYMENT**

Misrepresentation on application, **115:6 to 115:9**

**APPORTIONMENT**

Covered dependents, apportionment of benefits, **107:18**

Disease, injury, and nonwork-related injury, apportionment between, **109:8**

Subsequent injuries, apportionment of liability, **116:19 to 116:21**

**APPRENTICES**

Compulsory and elective coverage, **101:17**

**APPROVAL**

Attorneys' fees, **317:2**

Compensation agreements, **204:10**

Lump sum payments, **205:8**

**ARBITRATION**

Generally, **300:11**

## INDEX

### ARISING OUT OF REQUIREMENT

Employment connection as, **110:4**

### ARREST

Employment connection of workers' arrests, **110:15**

### ARRIVAL

Workplace, arrival at, **111:10**

### ARTICLES

Admissibility of medical articles as evidence, **306:18**

### ARTIFICIAL MEMBERS

Medical benefits, **202:18**

### ARTS PERSONNEL

Covered employees, **106:11**

### ASBESTOSIS

Generally, **109:21**

Medical misconduct, **115:26**

### ASSAULT OR FIREARMS

Generally, **114:1 et seq.**

Accidental discharge of firearms, **114:16**

Assailant's motivation, **114:4**

Coemployees, **114:9, 114:12**

Danger, **114:8, 114:9**

Employers, remedies against, **102:16**

Increased risk requirement, **114:6 to 114:9**

Initial aggressor defense, **114:11**

Job nexus requirement, **114:2 to 114:5**

Job or locale as dangerous, **114:8**

Labor activity violence, **114:15**

On-premises assaults, **114:5**

Origin of dispute, **114:3**

Positional risk doctrine, **114:10**

Public, dealing with, **114:7**

Robbery involving firearm, **114:16.1**

Sexual assaults and harassment, **114:14**

Third persons

Generally, **114:13**

### ASSIGNMENT

Payments, assignability of, **205:19**

Third persons, remedies against, **103:55**

### ASSISTANTS OR HELPERS

Covered employees, **106:30**

### ATHLETES AND ATHLETICS

Compulsory and elective coverage, **101:20**

Covered employees, **106:12**

Covered employers, **105:11**

Off-duty injuries, after hours training, **112:38**

### AT-HOME INJURIES

Off-duty injuries, **112:20 to 112:23**

### ATTENDANT CARE

Medical benefits, **202:37**

### ATTENDING PHYSICIAN

Weight and sufficiency of evidence, **307:23**

### ATTORNEY, POWER OF

Payments under, **205:3**

### ATTORNEYS

Compensation agreements, **204:12**

Covered employees, **106:13**

**Medical Investigations** (this index)

Representation, generally, **308:6**

Third persons, remedies against, **103:19**

### ATTORNEYS' FEES

**Costs, Fees, and Expenses** (this index)

Frivolous claims, **317:11.50**

Retaliation, **311:33**

Third party subrogation liens, **206:9**

Worthless claims, **317:3.1**

### AUDIOLOGY

Medical benefits, **202:20**

### AUTHORIZED RELEASE OF INFORMATION

**Claim Investigations** (this index)

**Medical Investigations** (this index)

### AUTHORIZED REST BREAKS

Off-duty injuries, **112:4**

### AUTOMOBILES

**Motor Vehicles** (this index)

### AUTOPSIES

Generally, **304:9**

### AVAILABILITY OF WORK

Presumptions and burden of proof, **305:23**

## **AWARD**

- Generally, **309:1 et seq.**
- Entry, **309:2**
- Finality, **309:5**
- Interrogatories, application to review or modify prior award, **320:19**
- Modification, **309:10, 320:19**
- Post-death awards, **309:4**
- Reconsideration, **309:9**
- Reopening, **309:11**
- Rescission, **309:10**
- Stay pending review, **309:6**
- Sufficiency, **309:3**
- Summary judgment, **309:7**
- Suspension of benefits, **309:8**

## **BACKPAY**

- Retaliation, **311:30**

## **BACK PROBLEMS**

- Weight and sufficiency of evidence, **307:9**

## **BARBERS**

- Covered employees, **106:14**

## **BARRED CLAIMS**

- Compensation agreements, **204:16**
- Jurisdiction, **313:5**
- Presumptions and burden of proof, **305:21**
- Time-barred claims, **305:21, 313:5**

## **BENEFIT-ENDING EVENTS**

- Covered dependents, **107:20**

## **BENEFITS**

- Compensation and Benefits** (this index)

## **BOARD, LODGING AND OTHER ADVANTAGES**

- Earnings, **201:33**

## **BONDS**

- Jurisdiction, failure to post bond, **313:9**

## **BONE**

- Diseases, **109:12**
- Osteoarthritis, **109:13**

## **BONUSES**

- Generally, **201:29**

## **BORROWING AND LOANING EMPLOYERS**

- Covered employers, **105:9**

## **BREAKS**

- Authorized rest breaks, **112:4**
- Meal Breaks** (this index)
- Personal comfort breaks, **112:5**

## **BREAST REDUCTION SURGERY**

- Medical benefits, **202:17**

## **BROTHERS AND SISTERS**

- Covered dependents, **107:11**

## **BURDEN OF PROOF**

- Presumptions and Burden of Proof** (this index)

## **BURIAL EXPENSES**

- Covered dependents, **107:23**

## **BURN INJURIES**

- Accidents and injuries, **108:16.1**

## **BUSINESS EARNING CAPACITY**

- Compensation and benefits, generally, **200:6**

## **CANCELLATION OF POLICY**

- Compulsory coverage, **101:30**

## **CANCER**

- Generally, **109:33**

## **CARDIOVASCULAR DISEASE**

- Supplemental interrogatories, **320:11**

## **CARPOOLS**

- Generally, **111:6**

## **CARRIER**

- Jurisdictional boundary of carrier operation, federal statutory preemption, **104:28**

## **CASE PREPARATION**

- Medical examinations, **202:10**

## **CASUAL WORKERS**

- Compulsory and elective coverage, **101:15**
- Covered employees, **106:6**
- Earnings, **201:9**

## INDEX

### CAUSAL CONNECTION

Misrepresentation on employment application, **115:8**

### CAUSATION

Accidents and injuries, **108:10, 202:4**  
Diseases, **109:7**  
Independent intervening cause, **116:15**  
Requirement of. **Causation Requirement** (this index)  
Retaliation, **311:12**  
Subsequent injuries, **116:9, 116:15**  
Third persons, injuries caused by, **202:4**  
Time limitations, good cause, **301:13**  
**Weight and Sufficiency of Evidence** (this index)

### CAUSATION REQUIREMENT

Accidents and injuries, **108:10**  
Violation of specific safety requirement (VSSR), **115:17**  
Weather injuries, **113:2 to 113:4**

### CEREBROVASCULAR ACCIDENTS AND TRAUMATIC BRAIN INJURY

Treatment, **108:15.1**

### CERTIFIED QUESTIONS

Generally, **312:8**

### CERTIORARI

Generally, **312:4**

### CHANGE OR MODIFICATION

Awards, **309:10, 320:19**  
Compensation agreements, **204:15**  
Disability changes, **200:40**  
Harmful change in human organism, **108:3**  
Interrogatories, application to review or modify prior award, **320:19**  
Job, change in, **200:36**  
Medical benefits, change in physician, **202:47**

### CHARITY OR NONPROFIT ORGANIZATION

Covered employees, **106:16, 106:17**  
Recipients of charity, **106:17**

### CHECKLISTS

Wrongful discharge, claim investigation, **318:2**

### CHEMICAL EXPOSURE

Diseases, **109:38**

### CHEMICAL SUBSTANCES

**Claim Investigations** (this index)

### CHILDREN AND MINORS

Compensation, generally, **200:47**  
Compensation agreements, **204:13**  
Covered dependents, **107:8, 107:9**  
Covered employees, **106:46**  
Earnings, **201:16**  
Employers, remedies against, **102:2**  
Grandchildren as covered dependents, **107:9**  
Payments, **205:14**  
Subrogation, **200:47.1**

### CHIROPRACTIC

Medical benefits, **202:24**

### CHOICE OF LAW

Retaliation, **311:25**  
Torts, **104:30 to 104:32**

### CHOICE OF REMEDIES

Third persons, employee has choice of remedies against, **103:1**

### CHRISTIAN SCIENCE TREATMENT

Medical misconduct, **115:25**

### CHRONIC FATIGUE SYNDROME

Diseases, **109:56**

### CHURCHES

Compulsory coverage, **101:2.1**  
Covered employees, church members and trustees, **106:17.1**  
Covered employers, **105:15.1**

### CIVIL AIR PATROL

Covered employees, **106:18**

### CIVIL DEFENSE WORKERS

Covered employees, **106:19**

### CIVIL PENALTIES

Retaliation, **311:31**

### CLAIMANT ADVISORS

Administrative proceedings, **300:12**

### CLAIMANTS' LIENS

Payments, **205:23**



## CLAIM INVESTIGATIONS

Generally, **318:1 et seq.**  
 Access to employee exposure and medical records by OSHA, **318:14**  
 Accident or injury. See entries throughout this topic  
 Air quality (indoors), survey, **318:24**  
 Authorization for release of information  
   Designated representative, authorization letter for release of employee record information to, **318:15**  
   Temporary disability information, **318:8**  
 Checklist, wrongful discharge, **318:2**  
 Chemical substances  
   National Institute of Occupational Safety and Health, *infra*  
   Worker and community right to know laws, *infra*  
 Community right to know law. Worker and community right to know law, *infra*  
 Criminal sanctions against employer for wrongful discharge, **318:2**  
 Demand or request. Requests, *infra*  
 Department of insurance, request for carrier name from, **318:4**  
 Designated representative, authorization letter for release of employee record information to, **318:15**  
 Disability. Requests, *infra*  
 Division of Workers' Compensation, request for prior records from, **318:9**  
 Earnings, request for Social Security Administration information, **318:6**  
 Employee certifications, request for, **318:7**  
 Employee exposure, access to employee exposure and medical records by OSHA, **318:14**  
 Employee failure to cooperate with investigation, **318:24.1**  
 Employer certifications, request for, **318:7**  
 Environmental hazardous substances, **318:19**  
 Exposure, access to employee exposure and medical records by OSHA, **318:14**

## CLAIM INVESTIGATIONS—Cont'd

Extremely hazardous substance list, **318:20**  
 Federal income tax statements, request for, **318:5**  
 Forms  
   See also other entries throughout this topic  
   Interview questionnaire, occupational disease information form, **318:3**  
   Worker and community right to know law, information request form, **318:21**  
 Hazardous substances  
   Generally, **318:19, 318:20**  
   See also Toxic substances, *infra*  
 Income tax statements, request for, **318:5**  
 Indoor air quality survey, **318:24**  
 Insurance, request for carrier name from department of insurance, **318:4**  
 Interview questionnaire (occupational disease information form), **318:3**  
 Letter authorizing release of information to designated representative, **318:15**  
 List of extremely hazardous substances, **318:20**  
 Medical certifications, request for, **318:7**  
 Medical records, access to employee exposure and medical records by OSHA, **318:14**  
 Motor vehicle services: request for information, **318:11**  
 National Institute of Occupational Safety and Health (NIOSH)  
   Chemical substances, registry of toxic effects of, **318:23**  
   Indoor air quality and work environment survey, **318:24**  
   National Toxicology Program, testing for harmful chemicals, **318:22 to 318:24**  
 National Toxicology Program, **318:22**  
 NIOSH. National Institute of Occupational Safety and Health, *supra*  
 Notice of accident to employer, **318:1**  
 Occupational disease information form, **318:3**



## INDEX

### CLAIM INVESTIGATIONS—Cont'd

- Occupational safety and health
  - Access to employee exposure and medical records by OSHA, **318:14**
  - National Institute of Occupational Safety and Health (NIOSH), *supra*
  - OSHA, generally, **318:14**
  - Request for information, generally, **318:13**
  - State occupational safety and health acts, **318:16**
- Occupational Safety and Health Administration. Occupational safety and health, *supra*
- OSHA. Occupational safety and health, *supra*
- Police report request, **318:10**
- Prior records from Division of Workers' Compensation, request for, **318:9**
- Records. See entries throughout this topic
- Registry of toxic effects of chemical substances, **318:23**
- Release of information. See entries throughout this topic
- Representative, letter authorizing release of information to designated, **318:15**
- Requests
  - See also other entries throughout this topic
  - Carrier name requested from department of insurance, **318:4**
  - Disability. Temporary disability information, *infra* this group
  - Federal income tax statements, request for, **318:5**
  - Motor vehicle services: request for information, **318:11**
  - Occupational safety and health request, **318:13**
  - Police report request, **318:10**
  - Prior records from Division of Workers' Compensation, request for, **318:9**
  - Social Security Administration information request, detailed earnings information, **318:6**

### CLAIM INVESTIGATIONS—Cont'd

- Requests—Cont'd
  - Temporary disability information
    - Authorization for release of information, **318:8**
    - Copy of employee, employer and medical certifications, request for, **318:7**
  - Worker and community right to know law, information request form, **318:21**
- Right to know law. Worker and community right to know law, *infra*
- Social Security Administration information request, detailed earnings information, **318:6**
- State occupational safety and health acts, **318:16**
- State records, **318:12**
- Surveys
  - Indoor air quality and work environment survey, **318:24**
  - Worker and community right to know law, **318:18**
- Tax statements, request for, **318:5**
- Temporary disability. Requests, *supra*
- Testing for harmful chemicals, **318:22 to 318:24**
- Toxic substances
  - National Institute of Occupational Safety and Health, *supra*
  - National Toxicology Program, **318:22**
  - Worker and community right to know laws, *infra*
- Work environment survey, **318:24**
- Worker and community right to know law
  - Generally, **318:17 to 318:21**
  - Environmental hazardous substances, **318:19, 318:20**
  - Extremely hazardous substance list, **318:20**
  - Information request form, **318:21**
  - Surveys, **318:18**
- Wrongful discharge, criminal sanctions against employer for, **318:2**

### CLAIMS

- Barred Claims** (this index)
- Compensation agreements, **204:4, 204:16**

**CLAIMS—Cont'd**

- Investigations. **Claim Investigations** (this index)
- Migrant workers' statutory claims, **102:31**
- Notice and Claim** (this index)
- Retaliation, **311:10, 311:19, 311:21**
- Second injury fund claims, **204:4**
- Subsequent injuries, claims of employee, **116:28**
- Third persons, remedies against, **103:5, 103:44, 103:45**
- Time Limitations** (this index)
- Unfair compensation claim processing, **102:29**

**CLASS ACTIONS**

- Generally, **312:15**

**CLEARED FOR WORK**

- Generally, **200:30**

**CLOSELY HELD CORPORATIONS**

- Third persons, remedies against, **103:15**

**COCCIDIOIDOMYCOSIS**

- Diseases, **109:58**

**COEMPLOYEES**

- Generally, **103:7**
- Assault or firearms, **114:9, 114:12**
- Employment connection requirement, **103:9**
- Intoxication, **103:10**
- Public coemployees, **103:8**
- Vehicular negligence, **103:11**

**COEMPLOYEE SAFETY VIOLATION**

- Employee conduct, **115:27.10**

**COHABITANTS**

- Covered dependents, **107:7**

**COLLATERAL ESTOPPEL**

- Administrative proceedings, **300:16**

**COLLATERAL SOURCE PAYMENTS**

- Medical benefits, **202:40**

**COLLECTIVE BARGAINING AGREEMENTS**

- Compensation agreements, **204:3**

**COMFORT BREAKS**

- Off-duty injuries, **112:5**

**COMING AND GOING**

- Activity, going to and from, **112:34**
- Meal break, going and coming during, **112:10**
- Off-duty injuries, **112:10, 112:34**
- Off-duty injuries, leaving workplace, **112:14**
- Rule, **111:1**

**COMMERCIAL TRAVELERS**

- Generally, **111:15**

**COMMISSION**

- Summons to commission, review by, **312:5**

**COMMON-LAW TORT ACTIONS**

- Retaliation, **311:2**

**COMMUNICATIONS**

- Admissibility of evidence, **306:9, 306:26**
- Deceased's statements and conversations, **306:26**
- Privileged communications, **306:9**

**COMMUNITY PROPERTY**

- Third persons, remedies against, **103:62**

**COMMUNITY RIGHT TO KNOW LAW**

- Claim Investigations** (this index)

**COMMUNITY SERVICE, EMPLOYER SPONSORED**

- Off-duty injuries, **112:24.1**

**COMMUNITY SERVICE WORKERS**

- Covered employees, **106:20**

**COMMUTABLE PAYMENTS**

- Lump sum payments, **205:5**

**COMMUTING**

- Travel and Commuting** (this index)

**COMPENSABILITY**

- Accidents and injuries, **108:14**
- Presumptions and burden of proof, **305:3**

**COMPENSATION AGREEMENTS**

- Generally, **204:1 et seq.**
- Ambiguity, **204:14**
- Approval of settlement, **204:10**

## INDEX

### COMPENSATION AGREEMENTS

#### —Cont'd

- Barred claims, **204:16**
- Collective bargaining agreements, **204:3**
- Employer credits, **204:21**
- Enforcement of agreements, **204:17**
- Formalities of settlement, **204:7**
- Fraud, misrepresentation, or mistake, **204:14**
- Minors, settlement with, **204:13**
- Modification of agreement, **204:15**
- Official recommendations, **204:11**
- Pay compensation costs, agreements to, **204:1**
- Powers of settlement, **204:6**
- References, **204:18**
- Reporting/filing of settlement, **204:9**
- Second injury fund claims, **204:4**
- Structured settlements, **204:8**
- Substitute systems, **204:2**
- Unrepresented claimants, settlements with, **204:12**
- Waiver of compensation, **204:5**

### COMPENSATION AND BENEFITS

- Generally, **200:1 et seq.**
- Accidents and injuries, treatment, **108:16**
- Ceasing farming, **200:37.2**
- Complex regional pain syndrome, **200:3.1**
- Discontinuance of third-party action, **204:20**
- Earnings** (this index)
- Elective procedures, **200:29.1**
- Employers, remedies against, bad faith refusal to pay benefits, **102:14.5**
- False benefit statements, employee misconduct, **115:9.1**
- Farming, ceasing, **200:37.2**
- Lifestyle choice, **200:37.1**
- Lifetime benefits, **200:21.2**
- Low percentage physical impairment, **200:20.1**
- Medical Benefits** (this index)
- Permanent total disability
  - Advances in workplace technology, **200:21.4**
- Prescriptions, **202:41**
- Settlement of future claims, **204:19**

### COMPENSATION AND BENEFITS

#### —Cont'd

- Vocational Rehabilitation** (this index)

### COMPLIANCE

- Medical examinations, sanctions for noncompliance with examination request, **304:4**

### COMPROMISE AND SETTLEMENT

#### **Compensation Agreements** (this index)

- Future claims, **204:19**
- Presumptions and burden of proof, **305:26**
- Third party claims, **321:19**
- Third party subrogation liens, demand to employee to effect settlement or institute proceedings, **206:13**
- Third persons, remedies against, **103:54**

### COMPULSORY COVERAGE

- Generally, **101:1 et seq.**
- Apprentices, **101:17**
- Athletes, **101:20**
- Casual or seasonal employees, **101:15**
- Churches, **101:2.1**
- Conscientious objectors, **101:19**
- Contractors, **101:11**
- Corporate officers, directors, or stockholders, **101:8**
- Domestics, **101:14**
- Elective Coverage** (this index)
- Exempt employers, **101:2**
- Failure to advise to obtain insurance, **101:29**
- Farmworkers, **101:13**
- Firefighters, volunteer, **101:5**
- Fraud in procurement of insurance, **101:27**
- Handicapped workers, **101:16**
- Independent contractors, **101:11**
- Involuntary coverage rejections as invalid, **101:3**
- Lapse or cancellation of policy, **101:30**
- Out-of-state employees, **101:12**
- Partners, **101:9**
- Penalties for failure to maintain insurance, **101:31**
- Public employers, **101:4**
- Public offenders, **101:7**
- Public safety personnel, **101:5**

**COMPULSORY COVERAGE—Cont'd**

Real estate salespersons, **101:18**  
 Risk classification codes, **101:28**  
 Small employers, **101:10**  
 Sole proprietors, **101:9**  
 Subject worker status regarding equipment, **101:9.10**  
 Trainees, **101:17**  
 Uninsured subcontractors, **101:20.10**  
 Volunteer workers, **101:5, 101:6**

**COMPUTATIONS**

Award, lump sum payments, **205:7**  
 Earnings, **201:1, 201:5**  
 Offsets, computation sheet for social security, **207:3**  
 Time for determining wages, **201:5**

**COMPUTER USE**

Diseases, **109:59**

**CONCURRENT BENEFITS**

Subsequent injuries, **116:26**

**CONCURRENT INJURIES**

Overlapping disabilities, concurrent injuries as, **200:24**

**CONCUSSION OR CONCUSSIVE SYNDROME**

Diseases, **109:30**

**CONDUCT AND MISCONDUCT**

Defense, misconduct as, **109:33**  
 Discharge for misconduct, **200:38**  
**Employee Misconduct** (this index)  
 Employers, remedies against, **102:14**  
 Presumptions and burden of proof, **305:18**  
 Third persons, remedies against, **103:39, 103:40**  
 Willful misconduct, **102:14, 103:39, 103:40**

**CONFIRMATION**

Medical investigations, confirmation of examination by respondent's medical expert, **319:18**

**CONNECTION TO EMPLOYMENT**

**Employment Connection** (this index)

**CONSCIENTIOUS OBJECTORS**

Compulsory coverage, **101:19**

**CONSERVATION PERSONNEL**

Covered employees, **106:21**

**CONSORTIUM**

Employers, remedies against, **102:34**  
 Third persons, remedies against, **103:47**

**CONSTITUTIONAL PROVISIONS**

Construction and interpretation, **100:7.1**

**CONSTRUCTION AND INTERPRETATION**

Generally, **100:1 et seq.**  
 Administrative interpretation, **100:6**  
 Liberal construction, **100:4**  
 Out-of-state construction, **100:7**  
 State constitutional provisions, **100:7.1**  
 Statutory purposes, **100:3**  
 Terms, construction according to, **100:5**  
 Third persons, remedies against, statutory interpretation, **103:2**  
 Tort system, replacement of, **100:1**

**CONSTRUCTION DESIGN PROFESSIONALS**

Third persons, remedies against, **103:34**

**CONSTRUCTION PERSONNEL**

Independent contractors as covered employees, **106:35**

**CONTAGIOUS DISEASES**

Generally, **109:15**  
 Aids, **109:16**

**CONTAINMENT OF COST**

Medical benefits, **202:49**

**CONTEMPT**

Generally, **308:19**

**CONTINUANCES**

Generally, **308:12**  
 Experts, **320:37**  
 Extra-territorial deposition, **320:36**

**CONTINUATION OF INJURY IN ESTABLISHED CASE**

Subsequent injuries, **116:22.10**

**CONTRACT OF HIRE REQUIREMENT**

Covered employees, **106:4**

## INDEX

### CONTRACTORS

- Compulsory coverage, **101:11**
- General contractors, **103:27**
- Independent Contractors** (this index)
- Subcontractors** (this index)

### CONTRACTS AND AGREEMENTS

- Compensation Agreements** (this index)
- Earnings, special contracts for, **201:11**
- Employer-employee agreements, **104:8**
- Employer indemnification agreement, **103:53**
- Governing law, generally, **104:7, 104:8**
- Interstate agreements, **104:7**

### CONTRIBUTIONS

- Retirement plan contributions, **201:27**

### CONTROL

- Covered employers, control requirements, **105:4**
- Travel and commuting, employer ownership and control, **111:13**

### CONTROVERTED OR UNCONTROVERTED CASES

- Costs, fees, and expenses, **317:4, 317:5**

### CONVENIENCE OF EMPLOYEE

- Off-duty injuries, **112:18**

### COOPERATION

- Vocational rehabilitation, **203:6**

### COPIES

- Medical investigations, patient's right to obtain copies of physician's records, **319:5**

### CORPORATIONS

- Compulsory coverage, **101:8**
- Covered employees, **106:22**
- Directors, **101:8, 103:16, 106:22**
- Earnings, **201:15**
- Mergers, remedies against employers, **102:11**
- Officers, **101:8, 106:22, 201:15**
- Related corporations, **103:14**
- Stockholders, **101:8, 106:22, 201:15**
- Third persons, remedies against
  - Generally, **103:14**
  - Closely held corporations, **103:15**

### CORRECTION OFFICERS

- Covered employees, **106:51.5**

### CORRECTNESS OF REPORT

- Presumptions and burden of proof, **305:27**

### COSMETOLOGISTS

- Covered employees, **106:15**

### COST OF LIVING ADJUSTMENTS

- Generally, **200:21.1**

### COSTS, FEES, AND EXPENSES

- Generally, **317:1 et seq.**
- Amount, generally, **317:9**
- Approval requirement, **317:2**
- Attorney discipline, **317:11.75**
- Attorneys' fees, generally, **317:1**
- Burial expenses, **107:23**
- Compensation agreements to pay compensation costs, **204:1**
- Controverted or uncontroverted cases, **317:4, 317:5**
- Costs, generally, **317:12**
- Court proceedings, generally, **317:8**
- Covered dependents, **107:22, 107:23**
- Discontinuance of benefits, **317:7**
- Frivolous claims, **317:11.50**
- Interest, **317:13**
- Jurisdiction, failure to pay fees, **313:9**
- Liens, **206:9, 206:10**
- Lump sum payment, **317:10**
- Medical benefits, **202:38, 317:6**
- Medical expenses, **107:22, 307:19**
- No fees on penalty for late benefits payment cases, **317:14**
- Penalties, **317:11**
- Reduction of benefits, **317:7**
- Reimbursements and allowances for expense, **201:31**
- Retaliation, **311:33**
- Success requirement, **317:3**
- Third party subrogation liens, **206:9, 206:10**
- Travel expenses, **202:38**
- Uncontroverted cases, **317:5**
- Weight and sufficiency of evidence, **307:19**
- Worthless claim, attorney's fees and, **317:3.1**

**COUNSELING**

Medical benefits, **202:29**

**COUNTERCLAIMS**

**Offsets** (this index)

**COURIERS**

Independent contractors, **106:37.1**

**COURT ORDER REQUIREMENTS**

Medical investigations, military record requests, **319:12**

**COVERED DEPENDENTS**

Generally, **107:1**

Accidents and injuries, generally, **107:2, 107:3**

Apportionment of benefits, **107:18**

Benefit-ending events, **107:20**

Brothers and sisters, **107:11**

Burial expenses, **107:23**

Ceasing benefits to less than all dependents, **107:21**

Children, **107:8**

Cohabitants, **107:7**

Death, **107:2, 107:3**

Determination of dependency, date of, **107:5**

Disease, **107:2, 107:3**

Domestic partner benefits, **107:7.1**

Domestic partners and significant others, **107:7.1**

Fiancé as dependent, **107:15.10**

Fiancé as family, **107:15.15**

Full-time student, **107:19.10**

Grandchildren, **107:9**

Grandparents, **107:12**

Injuries resulting in death, **107:2, 107:3**

Medical expenses, **107:22**

Nature of benefits, **107:17**

No dependents, **107:16**

Nonresident dependents, **107:14**

Parents, **107:10**

Partial dependents, **107:15**

Payment, to whom made, **107:19**

Priority among dependents, **107:6**

Public employees' dependents, **107:13**

Significant others, domestic partners and, **107:7.1**

Spouse, **107:7**

Termination, **107:20, 107:21**

**COVERED DEPENDENTS—Cont'd**

Tests of dependency, **107:4**

Time and date, **107:3, 107:5**

**COVERED EMPLOYEES**

Generally, **106:1**

Agricultural labor, **106:8**

Aliens, **106:9**

Ambulance personnel, **106:10**

Animal care personnel, **106:34**

Arts personnel, **106:11**

Athletic personnel, **106:12**

Attorneys, **106:13**

Barbers, **106:14**

Bus and transportation drivers, **106:15.10**

Casual workers, **106:6**

Charity or nonprofit organization personnel, **106:16, 106:17**

Charity recipients, **106:17**

Church members and trustees, **106:17.1**

Civil Air Patrol, **106:18**

Civil defense workers, **106:19**

Community service workers, **106:20**

Conservation personnel, **106:21**

Construction personnel, **106:35**

Contract of hire requirement, **106:4**

Corporate officers, directors, stockholders, **106:22**

Correction officers, **106:51.5**

Cosmetologists, **106:15**

Definitions, **106:2, 106:32**

Disaster workers, **106:23**

Domestic workers, **106:24**

Emergency and rescue personnel, **106:10, 106:25**

Employee defined, **106:2**

Entertainment personnel, **106:11**

Exotic dancers, **106:25.1**

Factors, **106:32**

Family members, **106:26**

Firefighters, **106:27, 106:28**

Forest firefighters, **106:28**

Gratuitous work, **106:28.1**

Health care personnel, **106:29**

Helpers or assistants, **106:30**

**Independent Contractors** (this index)

In-home care service personnel, **106:36.1**

Interviewees, **106:37.2**



## INDEX

### COVERED EMPLOYEES—Cont'd

Joint employees, **106:38**  
Jurors, **106:39**  
Law enforcement personnel, **106:40**  
Lawful employment, **106:3**  
Loaned employees and staffing agencies, **106:41**  
Loggers, **105:12, 106:36**  
Maritime employment, **106:42**  
Mental health program participants, **106:43**  
Military personnel, **106:44**  
Miners, **106:45**  
Minors, **106:46**  
New hires, **106:47.1**  
Newspaper employees, **106:47**  
Oil and gas workers, **106:37.4**  
Outworkers, **106:48**  
Paramedics, **106:51.4**  
Partners, **106:49**  
Pecuniary gain requirement, **106:7**  
Permanent residents/green cards, **106:9.10**  
Police, **106:40.1**  
Prisoners, **106:50**  
Public employees, generally, **106:51**  
Racetrack workers, **106:51.2**  
Railroad employees, **106:51.1**  
Real estate agents, **106:52**  
Religious personnel, **106:53**  
Sales representatives, **106:54**  
Security, **106:37.3**  
Ski workers, **106:55**  
Sole proprietors, **106:56**  
Staffing agencies, **106:41**  
Statutory employees, **106:57**  
Stockbrokers, **106:51.3**  
Student workers, **106:58**  
Subcontractors, **106:33**  
Taxi drivers and for hire drivers, **106:59**  
Tests, **106:32**  
Trade show greeter, **106:6.11**  
Transportation personnel, **106:37**  
Truckers, **106:60**  
Union pickets, **106:61**  
Unlicensed contractors, **106:6.10**  
Vocational trainees, **106:62**  
Volunteers, generally, **106:63**  
Welfare workers, **106:64**

### COVERED EMPLOYEES—Cont'd

Working in employer's business requirement, **106:5**

### COVERED EMPLOYERS

Generally, **105:1**  
Agricultural employers, **105:8**  
Borrowing and loaning employers, **105:9**  
Churches, **105:15.1**  
Compensation law evaders, **105:19**  
Contractors, **105:17 to 105:19**  
Control requirements, **105:4**  
Domestic service employers, **105:10**  
Entertainment, **105:11**  
Franchisors and franchisees, **105:18.1**  
Hire requirements, **105:2**  
Joint ventures, **105:5.1**  
Little income, **105:7.10**  
Loggers, **105:12**  
Minimum payroll, **105:7**  
Mining, **105:13**  
Newspaper distributors, **105:14**  
Nonprofit organizations, **105:15, 105:15.1**  
Nonresident employers, **105:16**  
Number of employees, **105:6**  
Oil and gas well owners and operators, **105:23.10**  
Owners, **105:17**  
Part or partial, contracting out part of one's business, **105:18**  
Public employers, **105:20**  
Real estate agent employers, **105:21**  
Rehabilitation employers, **105:22**  
Remuneration requirements, **105:3**  
Sports, **105:11**  
Trade or business requirements, **105:5**  
Training employers, **105:22**  
Transportation employers, **105:23**

### COVERED PERSONS AND ENTITIES

**Compulsory Coverage** (this index)  
**Covered Dependents** (this index)  
**Covered Employees** (this index)  
**Covered Employers** (this index)  
**Elective Coverage** (this index)

### COVID-19

Diseases, **109:65**  
Vaccine injury, **109:65.50**



**CREDIBILITY DETERMINATIONS**

Appeal and review, **315:3**  
Weight and sufficiency of evidence, **307:3**

**CRIMES AND OFFENSES**

Compulsory coverage for public offenders, **101:7**  
Employers, remedies against, **102:14.1, 102:33**  
Victims' compensation, **102:33**

**CRIMINAL LAW**

Drug and alcohol abuse, **115:21**

**CRIMINAL RECORDS**

Admissibility of evidence, **306:22**

**CRIMINAL STATUTES**

Retaliation, **311:8**

**CROSS-APPEAL**

Administrative review, **310:7**

**CRUSH INJURIES**

Generally, **109:11**

**CUMULATIVE INJURIES**

Generally, **108:11**

**DAMAGES**

Appeal and review, **312:6**  
Defenses to damage suits, **102:7**  
Employers, remedies against, **102:6 to 102:8**  
Retaliation, **311:21.1, 311:28, 311:29**  
Waiver of rights, **102:8**

**DANGER**

Coemployees, **114:9**  
Job or locale as dangerous, **114:8**

**DEATH**

Admissibility of evidence, statements and conversations of deceased, **306:26**  
Compensation and benefits, generally, **200:44**  
Covered dependents, **107:2, 107:3**  
Found dead presumption, **305:13**  
Medical investigations, letter to secure medical report from treating physician in fatal claim, **319:4**  
Parties, **302:7**  
Post-death awards, **309:4**

**DEATH—Cont'd**

Presumptions and burden of proof, **305:13**  
Remedies against employer, death of employer, **102:36**  
Time limitations for death claims, **301:6**  
Unwitnessed, **305:14**  
Weight and sufficiency of evidence, **307:11**

**DE BENE ESSE**

**Depositions** (this index)

**DECEIT**

**Fraud and Deceit** (this index)

**DECISION**

Administrative review, **310:11**

**DEEP VEIN THROMBOSIS**

Generally, **109:61**

**DEFAULT JUDGMENT**

Notice and claim, **303:8**

**DEFECTIVE APPEAL PAPERS**

Jurisdiction, **313:8**

**DEFENSES**

Act of God defense, **113:3**  
Assault or firearms, **114:11**  
Damage suits, **102:7**  
Diseases, **109:33, 109:34**  
Initial aggressor defense, **114:11**  
Misconduct defense, **109:33**  
Misrepresentation defense, **109:34**  
Negligence of employee, **103:51**  
Negligence of employer, **103:52**  
**Retaliation** (this index)  
Third persons, remedies against, **103:51 to 103:53**  
Weather defenses, **113:3**

**DEFINITIONS**

Employee, **106:2**  
Independent contractors, **106:32**

**DELAYED-REACTION INJURIES**

Off-duty injuries, **112:22**

**DEMAND OR REQUEST**

**Requests** (this index)

**DE NOVO REVIEW**

Generally, **315:6**

## INDEX

### DENTISTRY

Medical benefits, **202:21**

### DEPARTMENT OF INSURANCE

Claim investigations, request for carrier name from department of insurance, **318:4**

### DEPENDENTS AND DEPENDENCY

**Covered Dependents** (this index)

Diseases, **109:32, 320:10**

**Interrogatories** (this index)

Weight and sufficiency of evidence, **307:17**

### DEPENDENTS COMPENSATION

Diseases, **109:66**

### DEPOSITIONS

Admissibility of evidence, **306:5**

Affidavit of attorney in support of de bene esse motion, **320:24**

De bene esse, motion

Generally, **320:23 to 320:26**

Affidavit of attorney in support of motion, **320:24**

Order to take deposition, **320:26**

Physician's certification, **320:25**

Extraterritorial deposition

Generally, **320:35**

Continuance, **320:36**

Liability deposition, **320:30**

Certification, **320:32**

Notice of motion, **320:31**

Order for depositions, **320:34**

Service, certification of, **320:33**

Motions

De bene esse, *supra*

Liability deposition, notice of motion, **320:31**

Notice of motion, liability deposition, **320:31**

Order for depositions, liability deposition, **320:34**

Order to take deposition, de bene esse motion, **320:26**

Physician's certification, de bene esse motion, **320:25**

Process and service of process, certification, **320:33**

Service, certification of, **320:33**

Videotaped deposition, **320:28**

### DEPOSITS

Payments, **205:11**

### DEPRESSED ECONOMIC CONDITIONS

Generally, **200:47.2**

### DESIGN

Construction design professionals, **103:34**

### DETERMINATIONS

Generally, **316:7, 316:8**

Appeal and review, **315:3**

**Credibility Determinations** (this index)

Factual determinations, **313:13**

Issues determinable, **308:10**

**Judgments and Decrees** (this index)

Jurisdiction, **313:13**

Notice and claim, **303:6**

Remand, **316:8**

Request for determination, **303:6**

Weight and sufficiency of evidence, **307:3**

### DEVIATIONS

Police officers, **111:22**

Re-entry, **111:20**

Substantial deviations, **111:21**

Travel and commuting, **111:19 to 111:22**

### DEVICES

Anti-compensation-avoiding devices statutes, **311:6**

Safety devices as improper, **103:42**

### DIABETIC SEIZURES

Diseases, **109:28**

### DIAGNOSIS

Medical benefits, diagnostic services as, **202:9**

Mental illness requirements, **109:53**

### DILATORY TACTICS

Depositions, **320:27**

### DIRECTORS

Corporations, **101:8, 103:16, 106:22**

### DIRECT RESULT

Subsequent injuries, **116:14**

### DISABILITY

Admissibility of evidence, **306:20**

## **DISABILITY—Cont'd**

- Causal link between injury and disability or death, **305:15**
- Changes in disability, **200:40**
- Claim Investigations** (this index)
- Compensation and benefits, Disability, **200:2**
- Compensation and benefits, pain, **200:3**
- Evidence
  - Admissibility of evidence, **306:20**
  - Lay disability testimony, **306:20**
  - Presumptions and burden of proof, **305:9**
  - Weight and Sufficiency of Evidence** (this index)
- Exaggerated disability, employee misconduct, **115:9.4.20**
- Lay disability testimony, **306:20**
- Liens, temporary disability liens, **206:2**
- Maximum disability period, **200:27**
- Medical benefits, insurance coverage during disability, **202:52**
- Overlapping disabilities, **200:22 to 200:25**
- Permanent partial disability, generally, **200:9**
- Permanent total
  - Advances in workplace technology, **200:21.4**
- Permanent total disability, **200:19 to 200:21**
- Presumptions and burden of proof, **305:9**
- Short-term disability plan, offset against, **207:6.3**
- Specific losses, **200:20**
- Temporary Disability** (this index)
- Termination of disability, **200:26**
- Weight and Sufficiency of Evidence** (this index)

## **DISASTER WORKERS**

- Covered employees, **106:23**

## **DISBURSEMENT OF RECOVERY**

- Third persons, remedies against, **103:59**

## **DISCHARGE**

- Generally. **Release** (this index)

## **DISCHARGE FROM EMPLOYMENT**

- Anti-discharge statutes, **311:3**

## **DISCHARGE FROM EMPLOYMENT—Cont'd**

- Employers, remedies against, **102:14.4**
- Misconduct, discharge for, **200:38**
- No-fault discharge or layoff, **200:39**
- Retirement, **200:41**
- Voluntary quit, **200:37**
- Wrongful Discharge** (this index)

## **DISCONTINUANCE OF BENEFITS**

- Judicial proceedings, **317:7**
- Payments, generally, **205:18**

## **DISCOVERY**

- Generally, **320:1 et seq.**
- Admissions, **320:39**
- Certification of service, demand for medical information, **320:7**
- De Bene Esse-Motion, **320:23**
- Demand for medical information. Medical information, demand for, *infra*
- Depositions, Generally, **320:22**
- Depositions** (this index)
- Dilatory deposition tactics, **320:27**
- Failure to appear for deposition, **320:21.10**
- Financially interested physician, **320:44**
- Immigration status, **320:45**
- Interrogatories** (this index)
- Medical information, demand for
  - Generally, **320:3 to 320:7**
  - Certification of service, **320:7**
  - Demand, **320:4**
  - Demand, generally, **320:3**
  - Introduction, **320:3**
  - Motion, **320:5**
  - Order, **320:6**
- Motions
  - Demand for medical information, **320:5**
  - Depositions** (this index)
  - Interrogatories** (this index)
- Notice and claim, **303:10**
- Orders
  - Demand for medical information, **320:6**
  - Deposition, order to take, **320:26**
  - Interrogatories** (this index)
- Privacy of benefits information, **320:2**
- Privilege, **320:43**

## INDEX

### DISCOVERY—Cont'd

- Production of documents, generally, **320:38**
- Production of medical reports, **320:38, 320:41**
- Request or demand. Medical information, demand for, *supra*
- Sanctions, **320:42**
- Service of process, demand for medical information; certification of service, **320:7**
- Spoliation, **320:40**

### DISCRIMINATION

- Anti-discrimination statutes, **311:4**
- Employment discrimination, **102:30**

### DISEASES

- Generally, **109:1**
- Accidents and injuries, **107:2, 107:3, 109:8**
- Addictions, alcohol and drug, **109:43**
- Aggravation, **109:9**
- Aids, **109:16**
- Alcohol and drug addictions, **109:43**
- Allergic reactions, **109:35**
- Amyotrophic lateral sclerosis (ALS), **109:31.8, 109:63**
- Ankylosis, **109:13**
- Apportionment between disease, injury, and nonwork-related injury, **109:8**
- Asbestosis, **109:21**
- Bone diseases, **109:12**
- Cancer, **109:33**
- Causation, **109:7**
- Chemical exposure, **109:38**
- Chronic fatigue syndrome, **109:56**
- Claim investigations, interview questionnaire; occupational disease information form, **318:3**
- Claims, **301:4, 301:5**
- Coccidioidomycosis, **109:58**
- Computer use related, **109:59**
- Concussion or concussive syndrome, **109:30**
- Contagious diseases, **109:15, 109:16**
- Covered dependents, **107:2, 107:3**
- Covid-19, **109:65**
- Covid-19 vaccine injury, **109:65.50**
- Crush injuries, **109:11**
- Death, **107:2, 107:3**

### DISEASES—Cont'd

- Deep vein thrombosis, **109:61**
- Defenses, **109:33, 109:34**
- Dependents, **107:2, 107:3, 109:32, 320:10**
- Dependents compensation, **109:66**
- Diabetic seizures, **109:28**
- Diagnosis requirement for mental illness, **109:53**
- Drug addiction, **109:43**
- Dust exposure, **109:22**
- Electromagnetic exposure, **109:36**
- Evidence, **109:7, 109:53, 307:5, 307:8**
- Explosive personality disorder, **109:51**
- Exposure of employment, **109:4**
- Exposure to bodily fluids, **109:52**
- Exposure to fumes, **109:39**
- Eye disorders, **109:34**
- Fibromyalgia, **109:55**
- Fungus exposure, **109:22**
- Hearing loss, **109:40**
- Heart disease, **109:24**
- Interrogatories** (this index)
- Last exposure rule, **109:6**
- Latex, reactions to, **109:34**
- Lung diseases, generally, **109:18**
- Lupus, **109:57**
- Lyme disease, **109:62**
- Mental Illness** (this index)
- Mesothelioma, **109:21**
- Migraine headaches, **109:42**
- Misconduct defense, **109:33, 109:67**
- Misrepresentation defense, **109:34, 109:68**
- Mold exposure, **109:22**
- Nature of employment, **109:2**
- Notice of disease, **301:2**
- Obesity, **109:54**
- Opioid addiction, weaning off, **109:44**
- Osteoarthritis, **109:13**
- Pneumoconiosis, **109:23**
- Poisons, **109:32**
- Public safety personnel, **109:25**
- Radiation exposure, **109:37**
- Repetitive motion diseases, **109:59**
- Repetitive motion diseases and injuries, **109:10**
- Rheumatoid arthritis, **109:14**

## **DISEASES—Cont'd**

- Risk characteristic of employment, **109:3**
- Seizure, diabetic, **109:28**
- Seizure disorder, **109:29**
- Self-exposure, **109:5**
- Silicosis, **109:21**
- Skin disorders, **109:34**
- Sleep apnea, **109:19**
- Spine diseases, **109:12**
- Staph infections, **109:17**
- Stomach disorders, **109:31**
- Stress-caused mental illness, **109:47**
- Stress from employer's conduct challenging workers' compensation claim, **109:48**
- Stroke, **109:27**
- Time limitations, **301:2, 301:4, 301:5**
- Tinnitus, **109:41**
- Trauma-caused mental illness, **109:46**
- Tuberculosis, **109:20**
- Vascular injuries, **109:64**
- Venous status, **109:60**
- Weight and sufficiency of evidence, **307:5, 307:8**
- Work-relation requirement for mental illness, **109:50**

## **DISFIGUREMENT**

- Compensation and benefits, generally, **200:14**

## **DISMISSAL**

- Claim, dismissal of, **303:7**

## **DISORDERS**

- Diseases** (this index)

## **DISPUTES**

- Alternative dispute resolution, **300:9 to 300:11**
- Assault or firearms, origin of dispute, **114:3**
- Medical services, dispute over, **202:51**

## **DISTRIBUTORS**

- Newspaper distributors, covered employers, **105:14**
- Third persons, remedies against, **103:22**

## **DIVISION OF WORKERS' COMPENSATION**

- Claim investigations, request for prior records, **318:9**

## **DOGS**

- Owner's liability, **102:24**

## **DOMESTIC PARTNER BENEFITS**

- Covered dependents, **107:7.1**

## **DOMESTIC WORKERS**

- Compulsory coverage, **101:14**
- Covered employees, **106:24**
- Covered employers, **105:10**

## **DOMICILE**

- Substantially in one state, domiciled in, **104:12**

## **DRIVERS**

- Taxi drivers and for hire drivers as covered employees, **106:59**

## **DRUGS**

- Addiction, **109:43, 116:11**
- Employee Misconduct** (this index)
- Medical benefits, **202:12**
- Rehabilitation, off-duty injuries, **112:39**
- Subsequent injuries, drug addiction as pre-existing condition, **116:11**
- Testing, **115:20**
- Tests results, admissibility of evidence, **306:21**

## **DUAL CAPACITY DOCTRINE**

- Employers, remedies against, **102:9**

## **DUAL PERSONAL DOCTRINE**

- Employers, remedies against, **102:10, 102:11**

## **DUAL PURPOSE TRAVEL**

- Generally, **111:18**

## **DURATION**

- Vocational rehabilitation, **203:5**

## **DUST**

- Diseases, exposure to dust, **109:22**

## **EARNING CAPACITY**

- Admissibility of evidence, **306:25**
- Business earning capacity, **200:6**

## INDEX

### **EARNING CAPACITY—Cont'd**

- Compensation and benefits, generally, **200:4 to 200:6**
- Evidence, see lines throughout this topic
- Wage-earning capacity, generally, **200:17**
- Weight and sufficiency of evidence, **307:18**

### **EARNINGS**

- Generally, **201:1 et seq.**
- Absences, **201:4**
- Admissibility of evidence, **306:25**
- Board, lodging and other advantages, **201:33**
- Bonuses, **201:29**
- Casual labor, **201:9**
- Claim investigations, request for Social Security Administration information, **318:6**
- Computation of wages, **201:1**
- Corporate officers and stockholders, **201:15**
- Equipment rental, **201:32**
- Evidence, **306:25, 307:18**
- Expense reimbursements and allowances, **201:31**
- Fringe benefits, **201:26 to 201:28**
- Health care premiums, **201:28.1**
- Holiday pay, **201:28**
- Independent contractors, **201:12**
- Irregular earnings, **201:3**
- Lifestyle choice and loss of wages, **200:37.1**
- Loss of wages, generally, **200:17**
- Meal breaks, picking up pay during, **112:12**
- Military personnel, **201:22**
- Offsets, request for average current earnings information, **207:2**
- Output workers, **201:10**
- Overtime earnings, **201:25**
- Partners, **201:14**
- Parttime employment, **201:6**
- Prison inmates, **201:19**
- Public safety workers, **201:21**
- References, **201:35**
- Rehabilitating employees, **201:17**
- Retaliation, backpay, **311:30**
- Retirement plan contributions, **201:27**

### **EARNINGS—Cont'd**

- Seasonal workers, **201:8**
- Self-employed persons, **201:13**
- Short-term workers, **201:2**
- Special contracts, **201:11**
- Special public employees, **201:23**
- Subsequent injuries, **116:27**
- Supplemental earnings benefits, **116:27**
- Time for determining wages, **201:5**
- Tips, **201:30**
- Trainees, **201:16**
- Transportation, **201:34**
- Tuition, **201:35.1**
- Two-job workers, **201:7**
- Unemployment programs, **201:20**
- Union employees, **201:24**
- Vacation pay, **201:28**
- Veterans, **201:18**
- Weight and sufficiency of evidence, **307:18**
- Workfare, **201:20**
- Youthful workers, **201:16**

### **ECONOMIC CONDITIONS**

- Generally, **200:47.2**
- Basis for compensation, **200:6.1**

### **ELECTIVE COVERAGE**

- Generally, **101:21 to 101:26**
- Compulsory Coverage** (this index)
- Employees, election by notice to, **101:24**
- Employer, election by notice to, **101:25**
- Insurance, election by obtaining, **101:22**
- Insurer, election by notice to, **101:23**
- Legislative action, election by, **101:26**
- Public body or official, election by notice to, **101:21**

### **ELECTIVE PROCEDURES**

- Rehabilitation, **200:29.1**

### **EMERGENCIES**

- Emergency personnel, **110:12, 110:13**
- Employment connection, **110:11 to 110:13**
- Firefighters, **110:12**
- Police, **110:13**

### **EMERGENCY AND RESCUE PERSONNEL**

- Covered employees, **106:10, 106:25**



**EMERGENCY AND RESCUE**

**PERSONNEL—Cont'd**

Employment connection, **110:12**

**EMOTIONAL DISTRESS**

Intentional infliction, **102:19, 103:38**

Negligent infliction, **102:19**

**EMPLOYEE CERTIFICATIONS**

Claim investigations, requests, **318:7**

**EMPLOYEE MISCONDUCT**

Generally, **115:1 et seq.**

Absences, unauthorized, **115:1.1**

Acquiescence of employer, **115:12, 115:23**

Alcohol or drug abuse

Generally, **115:18 to 115:23**

Acquiescence of employer, **115:23**

Criminal standards, inapplicability of, **115:21**

Degree of intoxication, **115:19**

Substantial cause, intoxication as, **115:22**

Testing for drugs and alcohol, **115:20**

Application for employment, misrepresentation on, **115:6 to 115:9**

Asbestosis, **115:26**

Benefit statements, false, **115:9.1**

Causal connection, **115:8**

Causation requirements of VSSR, **115:17**

Christian Science treatment as medical misconduct, **115:25**

Coemployee safety violation, **115:27.10**

Criminal standards, inapplicability of, for drug and alcohol abuse, **115:21**

Degree of intoxication, **115:19**

Exaggerated disability, **115:9.4.20**

Exaggeration of injury, **115:9.6**

Failure to attend mandatory event, **115:26.2**

Failure to disclose prior compensated work injury, **115:9.7**

False claims and false benefit statements, **115:9.1, 115:9.4.10, 115:9.4.20**

Feigning of injury, **115:9.6**

Gambling, **115:28.3**

Horseplay, **115:3**

Injuries, generally, **115:28**

**EMPLOYEE MISCONDUCT—Cont'd**

Inquiry focused on VSSR cases, **115:16**

Intentionally self-inflicted injury, **115:4, 115:5**

Knowing and willful misrepresentation on employment application, **115:7**

Medical misconduct, **115:24 to 115:26**

Misrepresentation about return to work, **115:9.3**

Misrepresentation by employer, **115:9.5**

Misrepresentation on employment application, **115:6 to 115:9**

Online sales activity, undisclosed, **115:9.4.10**

Ordinary misconduct, **115:1**

Regulation of employee conduct, **115:11**

Rehabilitation plan, failure to comply with, **115:26.1**

Reliance of employer on misrepresentation on employment application, **115:9**

Rules violations, **115:10 to 115:11.12**

Safety violations, **115:13 to 115:17**

Serious or willful misconduct, **115:2**

Silicosis, medical misconduct, **115:26**

Smoking, **115:22.1**

Specific safety requirements, **115:15**

Staging accidents, **115:9.2**

Statutory violations, **115:27**

Subsequent injuries, **116:17**

Substantial cause, intoxication as, **115:22**

Suicide, **115:5**

Testing for drugs and alcohol, **115:20**

Texting while driving, **115:28.2**

Violation of specific safety requirement (VSSR), **115:14 to 115:17**

**EMPLOYEES**

Generally, see lines throughout this index

**Covered Employees** (this index)

**Employee Misconduct** (this index)

**EMPLOYER CERTIFICATIONS**

Claim investigations, requests, **318:7**

**EMPLOYER CREDITS**

Compensation agreements, **204:21**



## INDEX

### **EMPLOYER-EMPLOYEE AGREEMENTS**

Governing law, generally, **104:8**

### **EMPLOYER-FURNISHED HOTEL ROOM**

Travel and commuting, **111:3.1**

### **EMPLOYER-FURNISHED TRANSPORTATION**

Generally, **111:2, 111:3**

### **EMPLOYER-REQUIRED TRANSPORTATION**

Generally, **111:4**

### **EMPLOYERS**

Generally, see lines throughout this index

**Covered Employers** (this index)

**Employers, Remedies Against** (this index)

No longer acting as, **102:1.1**

### **EMPLOYERS, REMEDIES AGAINST**

Generally, **102:1 et seq.**

Assault, **102:16**

Benefits, bad faith refusal to pay, **102:14.5**

Co-employees, **102:2.10**

Consortium, **102:34**

Corporate mergers, **102:11**

Crime victims' compensation, **102:33**

Criminal conduct, **102:14.1**

Damage suits, **102:6 to 102:8**

Death of employer, **102:36**

Defenses to damage suits, **102:7**

Dog owner's liability, **102:24**

Dual capacity doctrine, **102:9**

Dual personal doctrine, **102:10, 102:11**

Employee theft, **102:14.3**

Employment discrimination, **102:30**

Exclusion of workers or survivors, **102:3**

Exclusivity, generally, **102:1 et seq.**

Failure to disclose blood test results, **102:19.2**

False imprisonment, **102:14.2**

Fetus, injury to employee's, **102:18**

Fraud, **102:28**

Intentional infliction of emotional distress, **102:19**

### **EMPLOYERS, REMEDIES AGAINST**

#### **—Cont'd**

Intentional torts, **102:13**

Involuntary transfers; bankruptcy, **102:11.1**

Limited liability companies, **102:37**

Medical malpractice, **102:26**

Mental injuries, **102:19.1**

Migrant workers' statutory claims, **102:31**

Minors, **102:2**

Negligence, **102:12**

No longer acting as employer, **102:1.1**

Noncompensable injuries, **102:4**

Noncomplying employers, **102:5**

Premises liability, **102:23**

Product liability, **102:27**

Qui Tam actions and Insurance Fraud Protection Acts, **102:28.1**

References, **102:35**

Respondeat superior liability, **102:15**

Safe workplace, failure to provide, **102:20 to 102:22, 102:22.1**

Service losses, **102:34**

Sexual harassment, **102:17**

Statutory violations, **102:21**

Termination, **102:14.4**

Theft by employee, **102:14.3**

Unfair compensation claim processing, **102:29**

Vehicular accidents, **102:25**

Waiver of right to workers' compensation, **102:8**

Willful misconduct, **102:14**

Wrongful discharge, **102:32**

### **EMPLOYMENT CONNECTION**

Generally, **110:1 et seq.**

Aging, generally, **110:15.2**

Arising out of requirement, **110:4**

Arrest of workers, **110:15**

**Assaults or Firearms** (this index)

Coemployees, **103:9**

In course of requirement, **110:5**

Emergencies, **110:11 to 110:13**

Emergency personnel, **110:12**

**Employee Misconduct** (this index)

Firefighters, **110:12**

Leaving work force, **110:15.1**

Mental illness, **109:50**

## EMPLOYMENT CONNECTION

### —Cont'd

Neutral risks, **110:9**  
**Off-Duty Injuries** (this index)  
 Off-premises injuries, **110:10**  
 On-premises injuries, **110:7 to 110:9**  
 Personal risk, **110:8**  
 Police, **110:13**  
 Posttermination, **110:6**  
 Pre-existing condition, **116:13**  
 Prehire, **110:6**  
 Public good will injuries, **110:14**  
 Single work-relation test, **110:2**  
**Subsequent Injuries** (this index)  
 Tests, **110:2, 110:3**  
**Travel and Commuting** (this index)  
 Travel for compensation, **110:15.50**  
 Twin-test rule, **110:3**  
 Use of defibrillator, **110:13.10**  
 Vacating work force, **110:15.1**  
 Volunteer activities garnering business, **110:15.3**  
**Weather Injuries** (this index)  
 Work, what does not constitute, **110:1.1**

## EMPLOYMENT DISCRIMINATION

Employers, remedies against, **102:30**

## EMPLOYMENT EVIDENCE

Admissibility, **306:23**

## EMPLOYMENT TASKS

### PERFORMED AT HOME

Off-duty injuries, **112:23**

## ENFORCEMENT

Compensation agreements, **204:17**  
 Judicial proceedings, **312:9**  
 Payments, enforcement of awards, **205:24**

## ENTERTAINMENT

Covered employees, **106:11**  
 Covered employers, **105:11**

## ENTRY

Awards, **309:2**

## ENTRY OF JUDGMENT

Generally, **316:7**

## EQUIPMENT RENTAL

Earnings, **201:32**

## EQUITABLE JURISDICTION

Generally, **313:3**

## EQUITABLE RELIEF

Retaliation, **311:32**  
 Subrogation, **206:7.10**

## ERRANDS

Employer errand, **112:13**  
 Special missions or errands, **111:16**

## ESTOPPEL

Corporation by estoppel, **103:15.1**  
**Waiver and Estoppel** (this index)

## EVASION

Compensation law evaders, **105:19**

## EVIDENCE

**Accidents and Injuries** (this index)  
**Additional Evidence** (this index)  
**Admissibility of Evidence** (this index)  
 Alcohol, **306:21, 307:20**  
 AMA guides, **306:17, 307:13**  
 Appeal and review, **315:3, 315:7, 315:8**  
**Disability** (this index)  
 Diseases, **109:7, 109:53, 307:5, 307:8**  
**Earning Capacity** (this index)  
 Earnings, **306:25, 307:18**  
**Expert Evidence** (this index)  
**Hearing** (this index)  
 Introduction of evidence, **308:15**  
**Medical Evidence** (this index)  
 Mental illness, proof requirement for, **109:53**  
**Presumptions and Burden of Proof** (this index)  
 Retaliation, **311:26**  
 Undisputed evidence, **315:8**  
**Weight and Sufficiency of Evidence** (this index)

## EXAGGERATION OF INJURY

Employee misconduct, **115:9.6**

## EXAMINATIONS

**Medical Examinations** (this index)  
 Off-duty injuries, **112:37**

## EXCLUSION OF WORKERS OR SURVIVORS

Employers, remedies against, **102:3**

## INDEX

### EXCLUSIVITY

- Employers, Remedies Against** (this index)
- Third Persons, Remedies Against** (this index)

### EXCUSE

- Time limitations for reasonable excuse, **301:13**

### EXEMPTIONS

- Compulsory coverage, **101:2**
- Payments, **205:20**

### EXERTIONS

- Subsequent injuries, unusual exertions, **116:6**

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

- Jurisdiction, **313:10**

### EXPEDITED HEARINGS

- Generally, **308:5**

### EXPENSES

- Costs, Fees, and Expenses** (this index)

### EXPERT EVIDENCE

- Admissibility of evidence, **306:16, 306:17, 306:19**
- Medical examinations, testimony of results, **304:5**
- Medical testimony, **304:5, 306:16, 306:17**
- Nonmedical testimony, admissibility of evidence, **306:19**
- Weight and sufficiency of evidence, **307:2**

### EXPLOSIVE PERSONALITY DISORDER

- Diseases, **109:51**

### EXPOSURE

- Claim investigations, access to employee exposure and medical records by OSHA, **318:14**
- Diseases, **109:4, 109:6, 109:37**
- Hazardous fumes, **116:7**
- Last exposure rule, **109:6**
- Last injurious exposure, **116:23**
- Radiation exposure, **109:37**
- Subsequent injuries, **116:7, 116:23**

### EXTERNAL FORCE REQUIREMENT

- Accidents and injuries, **108:8**

### EXTRATERRITORIAL DEPOSITION

- Generally, **320:35**
- Continuance, **320:36**

### EXTREMELY HAZARDOUS SUBSTANCE LIST

- Claim investigations, worker and community right to know law, **318:20**

### EYE DISORDERS

- Generally, **109:34**

### FACTUAL DETERMINATIONS

- Jurisdiction, **313:13**

### FAILURE TO PROSECUTE

- Time limitations, **301:8.10**

### FALSE BENEFIT STATEMENTS

- Employee misconduct, **115:9.1**

### FALSE CLAIMS

- Employee misconduct, **115:9.1**

### FALSE IMPRISONMENT

- Employers, remedies against, **102:14.2**

### FALSE MEDICAL REPORTS

- Admissibility of evidence, **306:14.1**

### FAMILY MEMBERS

- Covered Dependents** (this index)
- Covered employees, **106:26**

### FARMS AND FARMING

- Agriculture** (this index)

### FAULT OR BLAME

- Employee fault, **108:4**
- Third person's fault, **108:5**

### FEDERAL JURISDICTION

- Generally, **313:14**
- Federal Preemption** (this index)

### FEDERALLY FUNDED PROGRAMS

- Governing law, **104:28.1**

### FEDERAL PREEMPTION

- Air ambulances, **104:28.2**
- Airline Deregulation Act, **104:28.2**
- Assertion of jurisdiction as far as permissible, **104:25**

**FEDERAL PREEMPTION—Cont'd**

- Carrier operation jurisdictional boundary, **104:28**
- Federal enclaves, **104:29**
- Federal statutory jurisdictional boundary, **104:27**
- Interstate/intrastate jurisdictional boundary, **104:26**
- Jurisdiction asserted as far as permissible, **104:25**
- Retaliation, **311:22**
- Statutory preemption, generally, **104:24 to 104:28**

**FEES**

- Costs, Fees, and Expenses** (this index)
- No fees on penalty for late benefits payment cases, **317:14**

**FEIGNING OF INJURY**

- Employee misconduct, **115:9.6**

**FETUS AND FETAL CARE**

- Injury to employee's fetus, remedies against employers, **102:18**
- Medical benefits, **202:32**

**FIBROMYALGIA**

- Diseases, **109:55**

**FINALITY**

- Awards, **309:5**
- Jurisdiction, finality requirement, **313:11**

**FINDINGS AND CONCLUSIONS**

- Appeal and review, hearing officers' findings, **315:5**
- Hearing, **308:21**

**FIREARMS**

- Assault or Firearms** (this index)

**FIREFIGHTERS**

- Compulsory coverage, **101:5**
- Covered employees, **106:27, 106:28**
- Employment connection, **110:12**
- Forest firefighters, **106:28**
- Presumptions and burden of proof, **305:29**
- Volunteer firefighters, **101:5**

**FITNESS FOR WORK**

- Retaliation, **311:14**

**FOREIGN STATE**

- Compulsory coverage, **101:12**
- Construction and interpretation, **100:7**
- Injuries out-of-state, **104:16, 104:17**
- Interaction of local and out-of-state remedies, **104:18**
- Payments to foreign claimants, **205:16**

**FOREST FIREFIGHTERS**

- Covered employees, **106:28**

**FORMER EMPLOYERS**

- Third persons, remedies against, **103:16**

**FORMS**

- Claim Investigations** (this index)

**FOUND DEAD PRESUMPTION**

- Generally, **305:13**

**FRANCHISORS AND FRANCHISEES**

- Covered employers, **105:18.1**

**FRAUD AND DECEIT**

- Application for employment, misrepresentation on, **115:6 to 115:9**
- Compensation agreements, **204:14**
- Compulsory coverage, fraud in procurement of insurance, **101:27**
- Diseases, misrepresentation as defense, **109:34**
- Employer misrepresentations, **115:9.5**
- Notice and claim, **303:11**
- Remedies against employers, **102:28**
- Retaliation, **311:16**
- Staging accidents, **115:9.2**
- Third persons, remedies against, **103:5**

**FRINGE BENEFITS**

- Generally, **201:26 to 201:28**

**FRIVOLOUS CLAIMS**

- Sanctions, **317:11.50**

**FULL FAITH AND CREDIT**

- Generally, **104:6**

**FUMES**

- Subsequent injuries, exposure to hazardous fumes, **116:7**

**FUNDS**

- Compensation agreements, second injury fund claims, **204:4**

## INDEX

### FUNDS—Cont'd

Subsequent injuries, funds for, **116:24, 116:25**

### FUNGUS

Diseases, exposure to fungus, **109:22**

### FUTURE COMPENSATION

Offsets, **207:6.2**

### FUTURE MEDICAL CARE

Benefits, **202:8**

Medical benefits, **202:8**

### GAIN OR LOSS

Pecuniary gain requirement, **106:7**

### GENERAL CONTRACTORS

Third persons, remedies against, **103:27**

### GOING AND COMING

Coming and Going (this index)

### GOOD CAUSE

Misdiagnosis, **301:13.1**

Time limitations, **301:13**

### GOOD WILL

Employment connection, public good will injuries, **110:14**

### GOVERNING LAW

Generally, **104:1 et seq.**

Federally funded programs, **104:28.1**

### GRANDCHILDREN

Covered dependents, **107:9**

### GRANDPARENTS

Covered dependents, **107:12**

### GUARANTORS

Third persons, remedies against, **103:4, 103:5**

### GYM MEMBERSHIP

Medical benefits, **202:53**

### HANDICAPPED WORKERS

Compulsory coverage, **101:16**

### HARASSMENT

Anti-harassment statutes, **311:5**

Sexual harassment, **102:17, 114:14**

### HAZARDOUS SUBSTANCES

Claim Investigations (this index)

### HAZARDS

Claim investigations, worker and community right to know law, **318:19, 318:20**

Subsequent injuries, exposure to hazardous fumes, **116:7**

Travel and commuting, special hazards, **111:7 to 111:9**

### HEALTH CARE PERSONNEL

Covered employees, **106:29**

### HEALTH CARE PREMIUMS

Earnings, **201:28.1**

### HEARING

Generally, **308:1 et seq., 316:1 to 316:8**

Additional evidence, **316:6**

Administrative review, **310:10**

Appearances, **308:13**

Contempt, **308:19**

Continuances, **308:12**

Expedited hearings, **308:5**

Findings and conclusions, **308:21**

Hearing officers, **308:7**

Introduction of evidence, **308:15**

Issues determinable, **308:10**

Judicial notice, **316:5**

Judicial review, **316:2**

Limitation of time, **301:9**

Location of hearing, **308:5.1**

Medical evidence, **308:18**

Notice of appeal, **316:2**

Notice of hearing, **308:4**

Open hearings, **308:14**

Prehearing conferences, **308:8**

Questions of law and fact, **308:20**

Record, **308:22, 316:4**

References for determination, **308:9**

Rehearing, **308:23**

Representation, **308:6**

Request for hearing, **308:3**

Right to hearing, **308:2**

Stipulations, **308:11**

Time, **301:9, 316:3**

Witnesses, **308:16**

Written testimony, **308:17**

### HEARING LOSS

Generally, **109:40**

Time limitations, **301:5**

**HEARING LOSS—Cont'd**

Weight and sufficiency of evidence, **307:15**

**HEARING OFFICERS**

Generally, **308:7**

Findings of, appeal and review, **315:5**

**HEARSAY**

Admissibility of evidence, **306:3**

**HEART CONDITIONS**

Weight and sufficiency of evidence, **307:10**

**HEART DISEASE**

Generally, **109:24**

Heart transplants, **109:26**

Public safety personnel, **109:25**

**HEART TRANSPLANTS**

Heart disease, **109:26**

**HELPERS OR ASSISTANTS**

Covered employees, **106:30**

**HERNIAS**

Generally, **108:13**

**HIRING FOR EMPLOYMENT**

Covered employees, contract of hire requirement, **106:4**

Covered employers, hire requirements, **105:2**

Place of hire factor, **104:9**

Retaliation, **311:7**

Statutes, **311:7**

**HOLIDAY PAY**

Generally, **201:28**

**HOME ALTERATIONS**

Medical benefits, **202:36**

**HORSEPLAY**

Employee misconduct, **115:3**

**HOSPITAL RECORDS**

Admissibility of evidence, **306:15**

Medical investigations, request for hospital records, **319:2**

**HOSTILE WORK ENVIRONMENT**

Supplemental interrogatories, **320:14**

**HUSBAND AND WIFE**

Workers' compensation actions, matrimonial liens on, **206:6**

**IDIOPATHIC CONDITIONS**

Subsequent injuries, **116:10**

**IMMIGRATION STATUS**

Permanent residents/green cards, covered employees, **106:9.10**

**IMMUNITY**

Legal immunity, **300:17**

**IMPAIRMENT**

**Weight and Sufficiency of Evidence**  
(this index)

**IMPECUNIOUS CLAIMANTS**

Administrative proceedings, **300:13**

**IMPLEADER**

Generally, **302:4**

**IMPROVEMENT**

Maximum improvement, **116:21, 200:28**

Subsequent injuries, **116:21**

**INABILITY TO WORK WITH OTHERS**

Retaliation, **311:16.1**

**INCAPACITY**

Time limitations, **301:11**

**INCOME TAX STATEMENTS**

Claim investigations, request for federal income tax statements, **318:5**

**INCOMPETENTS**

Payments, **205:14**

**IN COURSE OF REQUIREMENT**

Employment connection, **110:5**

**INCREASED RISK REQUIREMENT**

Assault or firearms, **114:6 to 114:9**

Public, dealing with, **114:7**

**INDEMNIFICATION**

Employer indemnification agreement, remedies against third persons, **103:53**

**INDEPENDENT CONTRACTORS**

Generally, **106:31**

Animal care personnel, **106:34**

## INDEX

### INDEPENDENT CONTRACTORS

#### —Cont'd

- Compulsory coverage, **101:11**
- Construction personnel, **106:35**
- Couriers, **106:37.1**
- Covered employees
  - Animal care personnel, **106:34**
  - Construction personnel, **106:35**
  - Couriers, **106:37.1**
  - Factors, **106:32**
  - Loggers, **106:36**
  - Subcontractors, **106:33**
  - Tests, **106:32**
  - Transportation personnel, **106:37**
- Definitions, **106:32**
- Earnings, **201:12**
- Factors, **106:32**
- Loggers, **106:36**
- Subcontractors, **106:33**
- Tests, **106:32**
- Third persons, remedies against, **103:29**
- Transportation personnel, **106:37**

### INDEPENDENT INTERVENING CAUSE

- Subsequent injuries, **116:15**

### INDISPENSABLE PARTIES

- Generally, **314:3**

### INDOOR AIR QUALITY

- Claim investigations, survey, **318:24**

### INITIAL AGGRESSOR DEFENSE

- Assault or firearms, **114:11**

### INJUNCTIONS PROCEEDINGS

- Generally, **312:12**

### INJURIES

- Accidents and Injuries (this index)

### INSPECTIONS

- Safe workplace, failure to provide, **102:22.1**

### IN-STATE INJURIES

- Generally, **104:14, 104:15**

### INSTITUTIONALIZED WORKERS

- Compensation and benefits, generally, **200:42**

### INSUFFICIENT PROCEEDS

- Third persons, remedies against, **103:61**

### INSURANCE

- Claim investigations, request for carrier name from department of insurance, **318:4**
- Elective coverage, **101:22, 101:23**
- Inspections, failure to provide safe workplace, **102:22.1**
- Judicial proceedings, direct actions against insurers, **312:11**
- Liens** (this index)
  - Medical benefits, insurance coverage during disability, **202:52**
- No-fault insurance, **103:45**
- Notice to insurer, elective coverage by, **101:23**
- Obtaining insurance, election by, **101:22**
- Third party action subrogation liens, insurance company's notice to employer, **206:14**
- Third persons, remedies against, **103:4, 103:5, 103:45, 103:46**
- Uninsured Motorist Coverage** (this index)

### INTENT OR MOTIVE

- Assault or firearms, assailant's motivation, **114:4**
- Emotional distress, intentional infliction of, **102:19, 103:38**
- Retaliation, **311:11**
- Self-inflicted injury as intentional, **115:4, 115:5**
- Torts as intentional, **102:13, 103:37, 103:38**

### INTERACTION OF LOCAL AND OUT-OF-STATE REMEDIES

- Generally, **104:18**

### INTEREST

- Costs, fees, and expenses, **317:13**

### INTERLOCUTORY ORDERS

- Appeal and review, **315:12**

### INTERROGATORIES

- Generally, **320:8**
- Administrative review, application to review or modify prior award, **320:19**



## INTERROGATORIES—Cont'd

- Answer
  - Motions, *infra*
  - Orders, *infra*
- Application to review or modify prior award, **320:19**
- Award, application to review or modify prior, **320:19**
- Cardiovascular disease, supplemental interrogatories, **320:11**
- Dependency interrogatories
  - Petitioner, standard occupational disease interrogatories directed to, **320:18**
  - Respondent, standard occupational disease interrogatories directed to, **320:10**
- Diseases
  - Standard occupational disease interrogatories directed to petitioner, *infra*
  - Standard occupational disease interrogatories directed to respondent, *infra*
- Hostile work environment, supplemental interrogatories, **320:14**
- Judicial review, application to review or modify prior award, **320:19**
- Modification, application to review or modify prior award, **320:19**
- Motions
  - Standard occupational disease interrogatories directed to petitioner, motion to compel petitioner to answer, **320:20**
  - Standard occupational disease interrogatories directed to respondent, motion to compel respondent to answer, **320:15**
- Occupational disease interrogatories
  - Standard occupational disease interrogatories directed to petitioner, *infra*
  - Standard occupational disease interrogatories directed to respondent, *infra*
- Orders
  - Standard occupational disease interrogatories directed to petitioner, order directing petitioner to answer, **320:21**

## INTERROGATORIES—Cont'd

- Orders—Cont'd
  - Standard occupational disease interrogatories directed to respondent, order directing respondent to answer, **320:16**
- Petitioner, generally. Standard occupational disease interrogatories directed to petitioner, *infra*
- Prior award, application to review or modify, **320:19**
- Pulmonary disease, supplemental interrogatories, **320:12**
- Repetitive motion trauma interrogatories, **320:13**
- Respondent, generally. Standard occupational disease interrogatories directed to respondent, *infra*
- Review, application to review or modify prior award, **320:19**
- Standard occupational disease interrogatories directed to petitioner
  - Generally, **320:17 to 320:21**
  - Award, application to review or modify prior, **320:19**
  - Dependency interrogatories, **320:18**
  - Motion to compel petitioner to answer, **320:20**
  - Order directing petitioner to answer, **320:21**
- Standard occupational disease interrogatories directed to respondent
  - Generally, **320:9**
  - Dependency interrogatories, **320:10**
  - Hostile work environment, supplemental interrogatories, **320:14**
  - Motion to compel respondent to answer, **320:15**
  - Order directing respondent to answer, **320:16**
  - Pulmonary disease, supplemental interrogatories, **320:12**
  - Repetitive motion trauma, supplemental interrogatories, **320:13**
- Supplemental interrogatories
  - Cardiovascular disease interrogatories, **320:11**
  - Hostile work environment, **320:14**

## INDEX

### INTERROGATORIES—Cont'd

- Supplemental interrogatories—Cont'd
  - Pulmonary disease interrogatories, **320:12**
  - Repetitive motion trauma, **320:13**

### INTERSTATE

- Contracts and agreements, **104:7**
- Jurisdictional boundary, **104:26**

### INTERSTATE/INTRASTATE JURISDICTIONAL BOUNDARY

- Federal statutory preemption, **104:26**

### INTERVENORS

- Parties, **314:5**

### INTERVENTION

- Parties, **302:3**

### INTERVIEWS

- Claim investigations, interview questionnaire (occupational disease information form), **318:3**
- Medical examinations, interviews of treating physicians, **304:7**

### INTOXICATION

- Alcohol** (this index)

### INTRASTATE

- Jurisdictional boundary, **104:26**

### INTRODUCTION OF EVIDENCE

- Hearing, **308:15**

### INVESTIGATIONS

- Administrative proceedings, **300:5**
- Admissibility of evidence, **306:12**
- Claim Investigations** (this index)
- Medical Investigations** (this index)
- Report of investigator, **306:12**

### INVOLUNTARY ACTIVITIES

- Off-Duty Injuries** (this index)

### IRREGULAR EARNINGS

- Generally, **201:3**

### ISSUES

- Determinable issues, **308:10**
- Preclusion of issue, **311:21**

### JOB NEXUS REQUIREMENT

- Assault or firearms, **114:2 to 114:5**

### JOINT EMPLOYEES

- Covered employees, **106:38**

### JOINT VENTURES

- Covered employers, **105:5.1**
- Third persons, remedies against, **103:33**

### JUDGMENTS AND DECREES

- Default judgment, **303:8**
- Summary judgment, **309:7**

### JUDICIAL NOTICE

- Hearing, **316:5**

### JUDICIAL PROCEDURE AND PROCEEDINGS

- Generally, **312:1 et seq.**
- Appeal and review. **Judicial Review** (this index)
- Certified questions, **312:8**
- Certiorari, **312:4**
- Compensation lawsuits, **312:10**
- Costs, Fees, and Expenses** (this index)
- Damages suit, review as in, **312:6**
- Death during appeal, **312:2.1**
- Determination** (this index)
- Direct actions against insurers, **312:11**
- Enforcement proceedings, **312:9**
- Hearing** (this index)
- Injunctions proceedings, **312:12**
- Judicial Review** (this index)
- Jurisdiction** (this index)
- Mandamus, **312:13**
- Parties** (this index)
- Petition for review, **312:3**
- Prohibition, **312:13**
- References, **312:15**
- Reserved cases, **312:7**
- Retaliation, **311:23**
- Review. **Judicial Review** (this index)
- Show cause proceedings, **312:14**
- Summons to commission, review by, **312:5**
- Venue** (this index)

### JUDICIAL REVIEW

- Generally, **315:1 et seq.**
- Additional evidence, **315:7**
- Credibility determination, **315:3**
- Damages suit, review as in, **312:6**
- Defective appeal papers, **313:8**

## **JUDICIAL REVIEW—Cont'd**

- De novo review, **315:6**
- Evidence, **315:3, 315:7, 315:8**
- Hearing, notice of appeal, **316:2**
- Hearing officers' findings, **315:5**
- Interlocutory orders, **315:12**
- Interrogatories, application to review or modify prior award, **320:19**
- Jurisdiction, **313:6 to 313:8, 313:12**
- Misapplications of law, **315:10**
- Parties, standing to appeal, **314:2**
- Petition for review, **312:3**
- Proceedings, generally, **312:2, 312:3, 312:5, 312:6**
- Questions not preserved for review, **315:11**
- Questions of law and fact, **315:2, 315:9**
- Ripeness for review, **313:12**
- Summons to commission, review by, **312:5**
- Timeliness of appeals, **313:7**
- Two-tiered judicial review, **315:4**
- Undisputed evidence, **315:8**

## **JURISDICTION**

- Generally, **313:1 to 313:15**
- Administrative proceedings, **300:3**
- Appellate jurisdiction, **313:6**
- Defective appeal papers, **313:8**
- Equitable jurisdiction, **313:3**
- Exhaustion of administrative remedies, **313:10**
- Factual determinations, **313:13**
- Federal Jurisdiction** (this index)
- Finality requirement, **313:11**
- Original jurisdiction, **313:2**
- Pay fees, failure to, **313:9**
- Personal jurisdiction, **313:4**
- Post bond, failure to, **313:9**
- Ripeness for review, **313:12**
- Time-barred suits, **313:5**
- Untimely appeals, **313:7**
- Venue, **313:15**

## **JURORS**

- Covered employees, **106:39**

## **KNOWLEDGE**

- Notice and Knowledge** (this index)

## **LABOR ACTIVITIES**

- Assault or firearms, **114:15**
- Off-duty injuries, **112:40**

## **LABOR UNIONS**

- Unions** (this index)

## **LAND-BASED INJURIES**

- Maritime injuries, **104:20**

## **LANDOWNERS**

- Third persons, remedies against, **103:20**

## **LAPSE OF POLICY**

- Compulsory coverage, **101:30**

## **LAST EXPOSURE RULE**

- Diseases, **109:6**

## **LAST INJURIOUS EXPOSURE**

- Subsequent injuries, **116:23**

## **LATE PAYMENTS**

- Generally, **205:17**
- No fees on penalty for late benefits payment cases, **317:14**

## **LATEX**

- Reactions to, accidents and injuries, **109:34**

## **LAW ENFORCEMENT PERSONNEL**

- Police** (this index)

## **LAWFUL EMPLOYMENT**

- Covered employees, **106:3**

## **LAY EVIDENCE**

- Disability testimony, admissibility of, **306:20**
- Weight and sufficiency of evidence, **307:2**

## **LAYOFF**

- No-fault discharge or layoff, **200:39**

## **LEGAL IMMUNITY**

- Administrative proceedings, **300:17**

## **LEGAL VIOLATIONS**

- Weight and sufficiency of evidence, **307:21**

## **LEGISLATIVE ACTION**

- Elective coverage by legislative action, **101:26**

## INDEX

### LIABILITY

- Apportionment of liability, **116:19 to 116:21**
- Multiemployer liability for payments, **205:21**
- Subsequent employer liability, **116:20**
- Subsequent injuries, **116:19 to 116:21**

### LIABILITY DEPOSITION

- Depositions** (this index)

### LIBERAL CONSTRUCTION

- Generally, **100:4**

### LIENS

- Generally, **206:1 to 206:19**
- Amounts subject to third party action subrogation lien, **206:8**
- Apportionment of attorneys' fees, petition for, **206:10**
- Attorneys' fees, third party subrogation liens, **206:9, 206:10**
- Claimants' liens, **205:23**
- Compromise and settlement, demand to employee to effect settlement or institute proceedings, **206:13**
- Disability, temporary disability liens, **206:2**
- Equitable subrogation, **206:7.10**
- Husband and wife, matrimonial liens on workers' compensation actions, **206:6**
- Insurance
  - No fault benefits, **206:17**
  - Third party action subrogation liens, insurance company's notice to employer, **206:14**
  - Uninsured motorist coverage, lien on, **206:16**
- Matrimonial liens on workers' compensation actions, **206:6**
- Medicaid lien, **206:5**
- Medicare lien, **206:4**
- Misconduct, **206:19**
- No fault benefits, **206:17**
- Notice. Third party action subrogation liens, *infra*
- Payments, **205:23**
- Release of third party action subrogation liens, **206:15**
- Settlement, demand to employee to effect settlement or institute

### LIENS—Cont'd

- proceedings, **206:13**
- Spouses, matrimonial liens on workers' compensation actions, **206:6**
- Statutes, **206:18**
- Subrogation. Third party action subrogation liens, *infra*
- Temporary disability liens, **206:2**
- Third party action subrogation liens
  - Generally, **206:7**
  - Amounts subject to lien, **206:8**
  - Apportionment of attorneys' fees, petition for, **206:10**
  - Attorneys' fees, **206:9**
  - Insurance company's notice to employer, **206:14**
- Notice
  - Generally, **206:11**
  - Insurance company's notice to employer, **206:14**
  - Third party, notice of lien to, **206:12**
- Release, **206:15**
- Settlement, demand to employee to effect settlement or institute proceedings, **206:13**
- Third persons
  - Notice of third party action subrogation lien to third party, **206:12**
  - Remedies against, **103:57**
  - Subrogation liens. Third party action subrogation liens, *supra*
- Uninsured motorist coverage, lien on, **206:16**
- Veterans Administration and other medical liens, generally, **206:3**
- Workers' compensation benefits, liens against, generally, **206:1**

### LIFE CARE

- Generally, **202:7**

### LIFESTYLE CHOICE

- Compensation and benefits, **200:37.1**

### LIMITATIONS AND RESTRICTIONS

- Off-duty injuries, limited liability of employer, **112:31**
- Subsequent injuries, limits on reimbursement, **116:25**
- Time Limitations** (this index)

**LIMITED LIABILITY COMPANIES**

Employers, remedies against, **102:37**

**LOANED SERVANTS**

Third persons, remedies against, **103:30, 103:31**

**LOANING EMPLOYER**

Covered employers, **105:9**  
Third persons, remedies against, **103:31**

**LOCAL EMPLOYMENT**

Principally localized employment factor, **104:10 to 104:12**

**LOCAL REMEDIES**

Interaction of local and out-of-state remedies, **104:18**

**LODGING**

Generally, **201:33**

**LOGGERS**

Covered employers, **105:12, 106:36**

**LOST TIME**

Medical benefits, **202:39**

**LUMP SUM PAYMENT**

Payments (this index)

**LUNCHTIME**

Off-duty injuries, **112:11**

**LUNG DISEASES**

Generally, **109:18**

**LUPUS**

Diseases, **109:57**

**MALPRACTICE**

Medical Malpractice (this index)

**MANAGERS**

Third persons, remedies against, **103:12**

**MANDAMUS**

Judicial proceedings, **312:13**

**MANUFACTURERS**

Third persons, remedies against, **103:21**

**MARITIME EMPLOYMENT**

Covered employees, **106:42**

**MARITIME INJURIES**

Generally, **104:19**  
Land-based injuries, **104:20**

**MARITIME INJURIES—Cont'd**

Outer Continental Shelf injuries, **104:21**  
Puerto Rican waters, **104:22**  
Virgin Island waters, **104:23**

**MATRIMONIAL LIENS**

Workers' compensation actions, **206:6**

**MAXIMUM DISABILITY PERIOD**

Compensation and benefits, generally, **200:27**

**MAXIMUM RECOVERY**

Compensation and benefits, generally, **200:28, 200:35**  
Subsequent injuries, **116:21**

**MAXIMUM STABILITY**

Compensation and benefits, generally, **200:28**

**MEAL BREAKS**

Generally, **112:6 to 112:13**  
Employer errand, **112:13**  
Going and coming during meal break, **112:10**  
Lunchtime recreation, **112:11**  
**Off-Duty Injuries** (this index)  
Off-premises meal breaks, **112:8, 112:9**  
On-premises meal breaks, **112:7**  
Outside employees, **112:9**  
Picking up pay during, **112:12**

**MEDIATION**

Administrative proceedings, **300:10**

**MEDICAID**

Liens, **206:5**

**MEDICAL ARTICLES**

Admissibility of evidence, **306:18**

**MEDICAL BENEFITS**

Generally, **202:1 et seq.**  
Acupuncture, **202:26**  
Alternative medicine, **202:27**  
Artificial members, **202:18**  
Attendant care, **202:37**  
Audiology, **202:20**  
Breast reduction surgery, **202:17**  
Case preparation, medical examination for, **202:10**  
Change of physician, **202:47**  
Chiropractic, **202:24**

## INDEX

### **MEDICAL BENEFITS—Cont'd**

Collateral source payments, **202:40**  
Costs, fees, and expenses, **202:49, 317:6**  
Counseling, **202:29**  
Dentistry, **202:21**  
Diagnostic services, **202:9**  
Dispute over medical services, **202:51**  
Drugs, **202:12**  
Failure of employer to provide care, **202:45**  
    Medical expenses and Medicaid, **202:46**  
Fetal care, **202:32**  
Future medical care, **202:8**  
Gym membership, **202:53**  
Home alterations, **202:36**  
Insurance coverage during disability, **202:52**  
Knee, hip, other replacements, **202:34**  
Life care, **202:7**  
Lost time, **202:39**  
Medical expenses and Medicaid, **202:46**  
Medical marijuana and CBD products, **202:14**  
Necessary, requirement that treatment be, **202:5**  
Noncompensable injuries, **202:2**  
Nondisabling injuries, **202:3**  
Nurse practitioners, **202:19**  
Opioids, **202:15**  
Optometry, **202:22**  
Osteopathy, **202:24**  
Pain therapy, **202:31**  
Period of treatment, **202:42**  
Physical therapy, **202:25**  
Physician, **202:44, 202:47**  
Podiatry, **202:23**  
Preventive care, **202:6**  
Refusal of treatment, **202:48**  
Selection of pharmacy, **202:13**  
Selection of physician, **202:44**  
Self-providers of medical care, employer as, **202:43**  
Specialist treatment, **202:11**  
Special vehicles, **202:35**  
Spiritual treatment, **202:28**  
Surgery, **202:16**  
Third persons, injuries caused by, **202:4**  
Travel expenses, **202:38**

### **MEDICAL BENEFITS—Cont'd**

**Treatment** (this index)  
Utilization review, **202:50**  
Weight-loss programs, **202:30**

### **MEDICAL CARE AND SERVICES**

Dispute over medical services, **202:51**  
Examinations. **Medical Examinations** (this index)  
**Medical Benefits** (this index)  
Preventive care, **202:6**  
Self-providers of medical care, employer as, **202:43**

### **MEDICAL CERTIFICATIONS**

Claim investigations, requests, **318:7**

### **MEDICAL COMPLICATIONS**

Subsequent injuries, **116:12**

### **MEDICAL EQUIPMENT**

Medical benefits, **202:33**

### **MEDICAL EVIDENCE**

**Admissibility of Evidence** (this index)  
Hearing, generally, **308:18**  
**Medical Examinations** (this index)

### **MEDICAL EXAMINATIONS**

Generally, **304:1 et seq.**  
Autopsies, **304:9**  
Case preparation, medical examination for, **202:10**  
Employee's duty to submit to, **304:1**  
Employee's rights during, **304:2**  
Failure to follow physician's instructions, **304:10**  
Interviews of treating physicians, **304:7**  
Investigations. **Medical Investigations** (this index)  
**Medical Investigations** (this index)  
Neutral examinations, **304:3**  
Official investigations  
    As to investigations, generally. **Medical Investigations** (this index)  
    Generally, **304:8**  
Pre-employment physicals and vaccinations, **304:1.1**  
Records, **304:6**  
Reports, **304:5, 304:6**  
Results, **304:5**  
Rights of employee during, **304:2**



**MEDICAL EXAMINATIONS—Cont'd**

- Sanctions for noncompliance with examination request, **304:4**
- Submission to, employee's duty to, **304:1**
- Testimony of results, **304:5**
- Vaccinations, **304:1.1**

**MEDICAL EXPENSES**

- Generally, **107:22, 307:19**
- Covered dependents, **107:22**
- Weight and sufficiency of evidence, **307:19**

**MEDICAL INFORMATION**

- Discovery** (this index)
- Investigations. **Medical Investigations** (this index)
- Records, generally. **Medical Records and Reports** (this index)

**MEDICAL INVESTIGATIONS**

- Generally, **319:1 et seq.**
- Attorneys
  - Release of medical records to attorney, medical authorization for, **319:7**
  - Respondent's request for medical examination to petitioner's attorney, **319:14**
- Authorization of release of medical records. Medical authorization for release of medical records, *infra*
- Confirmation of examination by respondent's medical expert, request for, **319:18**
- Copies of physician's records, patient's right to obtain copies of, **319:5**
- Court order requirements, military record requests, **319:12**
- Death, letter to secure medical report from treating physician in instance of, **319:4**
- Demand or request. Requests, *infra*
- Examinations (medical)
  - Official investigations, **304:8**
  - Requests, *infra*
- Experts
  - Petitioner's medical expert, request to client to submit to examination by, **319:16**

**MEDICAL INVESTIGATIONS**

**—Cont'd**

- Experts—Cont'd
  - Respondent's medical expert, request to client to submit to examination by, **319:17, 319:18**
- Fatal claim, letter to secure medical report from treating physician in, **319:4**
- Hospital/medical records, request for, **319:2**
- Legal representative of estate, medical authorization for release of medical records, **319:7**
- Letter to secure medical report from treating physician, **319:3, 319:4**
- Medical authorization for release of medical records
  - Legal representative of estate, **319:7**
  - Patient's right to copies, **319:5**
  - Petitioner, **319:6**
- Medical examinations
  - Generally. Requests, *infra*
  - Official investigations, **304:8**
- Medical experts. Experts, *supra*
- Medical records
  - Generally, **319:2 et seq.**
  - See also other entries throughout this topic
- Military record requests, **319:10 to 319:12**
- Pathology requests, **319:8**
- Patient's right to obtain copies of physician's records, **319:5**
- Petitioner, medical authorization for release of medical records to, **319:6**
- Petitioner's attorney, respondent's request for medical examination to, **319:14**
- Petitioner's medical expert, request to client to submit to, **319:16**
- Physicians
  - See also other entries throughout this topic
  - Letter to secure medical report from, **319:3, 319:4**
- Radiology requests, **319:9**
- Records. See entries throughout this topic



## INDEX

### MEDICAL INVESTIGATIONS

#### —Cont'd

- Release of medical records, generally, **319:5 to 319:7**
- Representative of estate, medical authorization for release of medical records, **319:7**
- Requests
  - Confirmation of examination by respondent's medical expert, **319:18**
  - Court order requirements, military records, **319:12**
  - Examinations (medical), generally, **319:13**
  - Hospital/medical records, request for, **319:2**
  - Medical examination, generally, **319:13**
  - Military records, **319:10 to 319:12**
  - Pathology requests, **319:8**
  - Petitioner's attorney, respondent's request for medical examination to, **319:14**
  - Petitioner's medical expert, request to client to submit to, **319:16**
  - Radiology requests, **319:9**
  - Respondent's medical expert, request to client to submit to examination by, **319:17, 319:18**
  - Same sex, request for medical examination by physician same sex as claimant, **319:15**
  - Veterans Administration records, **319:10**
- Respondent's medical expert, request to client to submit to examination by, **319:17, 319:18**
- Respondent's request for medical examination to petitioner's attorney, **319:14**
- Same sex, request for medical examination by physician same sex as claimant, **319:15**
- Sex of physician, request for medical examination by physician same sex as claimant, **319:15**
- Treating physician, letter to secure medical report from, **319:3, 319:4**
- Veterans Administration record requests, **319:10**

### MEDICAL MALPRACTICE

- Employers, remedies against, **102:26**
- Third persons, remedies against, **103:44**

### MEDICAL MISCONDUCT

- Employee misconduct, **115:24 to 115:26**

### MEDICAL RECORDS

- Weight and sufficiency of evidence, **307:22**

### MEDICAL RECORDS AND REPORTS

- Admissibility of evidence, **306:14, 306:15**
- Claim investigations, access to employee exposure and medical records by OSHA, **318:14**
- Examinations, **304:5, 304:6**
- Investigations
  - Claim investigations, access to employee exposure and medical records by OSHA, **318:14**
- Medical Investigations** (this index)

### MEDICAL TRAVEL

- Generally, **111:23**

### MEDICAL TREATISES

- Admissibility of evidence, **306:18**

### MEDICAL TREATMENT

- Treatment** (this index)

### MEDICARE

- Liens, **206:4**

### MENTAL HEALTH PROGRAM PARTICIPANTS

- Covered employees, **106:43**

### MENTAL ILLNESS

- Generally, **109:45**
- Diagnosis requirement, **109:53**
- Proof requirement, **109:53**
- Remedies against employers, mental injuries, **102:19.1**
- Stress-caused, **109:47**
- Trauma-caused, **109:46**
- Weight and sufficiency of evidence, **307:16**
- Work-relation requirement, **109:50**

### MERGERS

- Employers, remedies against, **102:11**

**MESOTHELIOMA**

Diseases, **109:21**

**MIGRAINE HEADACHES**

Diseases, **109:42**

**MIGRANT WORKERS**

Statutory claims, **102:31**

**MILITARY AND MILITARY  
PERSONNEL**

Covered employees, **106:44**

Earnings, **201:22**

Medical investigations, **319:10 to  
319:12**

**Veterans Administration** (this index)

**MINERS AND MINING**

Covered employees, **106:45**

Covered employers, **105:13**

**MINIMUM PAYROLL**

Covered employers, **105:7**

**MINORS**

Time limitations, **301:7.1**

**MISAPPLICATIONS OF LAW**

Judicial review, **315:10**

**MISCONDUCT**

**Conduct and Misconduct** (this index)

Liens, **206:19**

**MISCONDUCT DEFENSE**

Diseases, **109:67**

**MISDIAGNOSIS**

Good cause, misdiagnosis as, **301:13.1**

**MISREPRESENTATION**

**Fraud and Deceit** (this index)

**MISREPRESENTATION DEFENSE**

Diseases, **109:68**

**MISSIONS**

Special missions or errands, **111:16**

**MISTAKE**

Compensation agreements, **204:14**

**MITIGATION OF DAMAGES**

Retaliation, **311:21.1**

**MODIFICATION**

**Change or Modification** (this index)

**MOLD**

Diseases, exposure to mold, **109:22**

**MONETARY BENEFITS**

Generally, **104:4**

**MOTIONS**

**Depositions** (this index)

Discovery, demand for medical information, **320:5**

**Interrogatories** (this index)

Offsets, motion for recognition of right to social security offset, **207:4**

**MOTOR VEHICLES**

Employers, remedies against, **102:25**

Special vehicles, **202:35**

Taxi drivers and for hire drivers as covered employees, **106:59**

Third persons, remedies against, **103:11, 103:46**

Truckers as covered employees, **106:60**

Uninsured motorist claims, **103:46**

Vehicular negligence, **103:11**

**MOTOR VEHICLE SERVICES**

Claim investigations, request for information, **318:11**

**MULTIEMPLOYER LIABILITY**

Payments, **205:21**

**MUTUAL BENEFIT TRAVEL**

Generally, **111:17**

**NATIONAL INSTITUTE OF  
OCCUPATIONAL SAFETY AND  
HEALTH (NIOSH)**

**Claim Investigations** (this index)

**NATIONAL TOXICOLOGY  
PROGRAM**

Claim investigations, **318:22**

**NATURAL RESULT**

Subsequent injuries, **116:14**

**NECESSARY**

Treatment, requirement that treatment be necessary, **202:5**

**NECESSARY PARTIES**

Generally, **314:3**

## INDEX

### NEGLIGENCE

- Coemployees, vehicular negligence, **103:11**
- Emotional distress, negligent infliction of, **102:19**
- Employee negligence as defense, **103:51**
- Employer negligence as defense, **103:52**
- Employers, remedies against, **102:12**

### NEUTRAL EXAMINATIONS

- Medical examinations, **304:3**

### NEUTRAL RISKS

- Employment connection, **110:9**

### NEW HIRES

- Covered employees, **106:47.1**

### NEWSPAPER DISTRIBUTORS

- Covered employers, **105:14**

### NEWSPAPER EMPLOYEES

- Covered employees, **106:47**

### NIOSH

- Claim Investigations** (this index)

### NO DEPENDENTS

- Covered dependents, **107:16**

### NO-FAULT BENEFITS

- Liens, **206:17**

### NO-FAULT DISCHARGE OR LAYOFF

- Compensation and benefits, generally, **200:39**

### NO-FAULT INSURANCE

- Generally, **103:45**

### NONCOMPENSABLE INJURIES

- Employers, remedies against, **102:4**
- Medical benefits, **202:2**

### NONCOMPLYING EMPLOYERS

- Employers, remedies against, **102:5**

### NONCOOPERATION

- Vocational rehabilitation, **203:6**

### NONDISABLING INJURIES

- Medical benefits, **202:3**

### NON-ENGLISH SPEAKING EMPLOYEES

- Notice and claim, **303:1.10**

### NONPROFIT ORGANIZATIONS

- Covered employees, **106:16, 106:17, 106:17.1**
- Covered employers, **105:15, 105:15.1**

### NONRESIDENT DEPENDENTS

- Covered dependents, **107:14**

### NONRESIDENT EMPLOYERS

- Covered employers, **105:16**

### NOTICE AND CLAIM

- Generally, **303:1 et seq.**
- Compensation claim, **303:3**
- Default judgment, **303:8**
- Discovery, **303:10**
- Dismissal of claim, **303:7**
- Employer notice of injury, **303:1**
- Employer report, **303:2**
- Fraud, **303:11**
- Non-English speaking employees, **303:1.10**
- Petition to reopen, **303:9**
- Request for determination, **303:6**
- Response to claim, **303:4**
- Retaliation, untimeliness of notice or claim, **311:19**
- Termination of benefits, notice of, **303:5**

### NOTICE AND KNOWLEDGE

- Administrative review, **310:6**
- Application for employment, knowing and willful misrepresentation on, **115:7**
- Claim investigations, notice of accident to employer, **318:1**
- Depositions, notice of motion; liability deposition, **320:31**
- Elective Coverage** (this index)
- Hearing, notice of, **308:4**
- Injury or disease, time limitations for notice of, **301:2**
- Judicial notice, **316:5**
- Liens** (this index)
- Prejudice from lack of notice, **305:6**
- Presumptions and burden of proof, **305:5**
- Third party action subrogation liens. **Liens** (this index)

### NOTICE OF APPEAL

- Generally, **316:2**

**NURSE PRACTITIONERS**

Medical benefits, **202:19**

**OBESITY**

Diseases, **109:54**

**OBJECTIVE SYMPTOMS  
REQUIREMENT**

Accidents and injuries, **108:9**

**OCCUPATIONAL DISEASE  
INFORMATION FORM**

Claim investigations, interview  
questionnaire, **318:3**

**OCCUPATIONAL DISEASE  
INTERROGATORIES**

**Interrogatories** (this index)

**OCCUPATIONAL SAFETY AND  
HEALTH ADMINISTRATION**

**Claim Investigations** (this index)

**ODD-LOT DISABILITY**

Compensation and benefits, generally,  
**200:5**

Presumptions and burden of proof,  
**305:10**

Weight and sufficiency of evidence,  
**307:14**

**OFF-DUTY INJURIES**

Generally, **112:1 et seq.**

Activities benefiting employer, **112:33**

After hours training, **112:35 to 112:37**

Ancillary activities rule, **112:2**

Assigned participation, **112:29**

Athletic activities in after hours training,  
**112:38**

At-home injuries, **112:20 to 112:23**

Authorized rest breaks, **112:4**

Coming and going, **112:10, 112:34**

Community service, employer  
sponsored, **112:24.1**

Convenience of employee, **112:18**

Delayed-reaction injuries, **112:22**

Drug and alcohol rehabilitation, **112:39**

Employer errand, meal breaks, **112:13**

Employment tasks performed at home,  
**112:23**

Examinations and tests, after hours  
training, **112:37**

Expected participation, **112:30, 112:31**

**OFF-DUTY INJURIES—Cont'd**

Injury at gym, **112:31.1**

Involuntary activities

Generally, **112:26 to 112:31**

Expected participation, **112:30,**  
**112:31**

Limited liability of employer, **112:31**

Ordered or assigned participation,  
**112:29**

Required participation, **112:28**

Voluntariness, generally, **112:27**

Labor activities, **112:40**

Leaving workplace, **112:14**

Limited liability of employer, **112:31**

Lunchtime recreation, meal breaks,  
**112:11**

Off-premises meal breaks, **112:8, 112:9**

On-call employees, **112:16**

On-premises injuries, **112:32**

On-premises meal breaks, **112:7**

Ordered participation, **112:29**

Outside employees, off-premises meal  
breaks, **112:9**

Period before work, **112:3**

Personal comfort breaks, **112:5**

Picking up pay, meal breaks, **112:12**

Recreation and social activities, gener-  
ally, **112:24**

Remaining after work, **112:15**

Requirement of employer, **112:19**

Resident employees, **112:17 to 112:19**

Statutory reflection of traditional  
requirements, **112:25**

Travel to after hours training, **112:36**

Voluntary activities. Involuntary activi-  
ties, *supra*

Work-originated injuries, **112:21**

**OFFENSES**

**Crimes and Offenses** (this index)

**OFFER**

Post-injury job offer, presumptions and  
burden of proof, **305:22**

**OFFICERS**

Compulsory and elective coverage,  
**101:8**

Corporations, **101:8, 106:22, 201:15**

Covered employees, **106:22**

Earnings, **201:15**

## INDEX

### **OFFICERS—Cont'd**

- Hearing Officers** (this index)
- Third persons, remedies against, **103:13**

### **OFFICIAL PUBLICATIONS**

- Admissibility of evidence, **306:8**

### **OFFICIAL RECOMMENDATIONS**

- Compensation agreements, **204:11**

### **OFF-PREMISES INJURIES**

- Employment connection, **110:10**

### **OFF-PREMISES MEAL BREAKS**

- Off-duty injuries, **112:8, 112:9**

### **OFFSETS**

- Generally, **207:1 to 207:6.4**
- Average current earnings information, request for, **207:2**
- Computation sheet, **207:3**
- Earnings, request for average current earnings information, **207:2**
- Future compensation, **207:6.2**
- Medicaid, **207:6.4**
- Motion for recognition of right to social security offset, **207:4**
- Order recognizing right to social security offset, **207:5**
- Pensions, **207:6.1**
- Short-term disability plan, **207:6.3**
- Social Security offsets
  - Generally, **207:1**
  - Average current earnings information, request for, **207:2**
  - Computation sheet, **207:3**
  - Motion for recognition of right to, **207:4**
  - Order recognizing right, **207:5**
  - Statutes, **207:6**

### **OIL AND GAS WELL OWNERS AND OPERATORS**

- Covered employers, **105:23.10**

### **OIL AND GAS WORKERS**

- Covered employees, **106:37.4**

### **OMBUDSMEN**

- Administrative proceedings, **300:12**

### **OMISSIONS**

- Time limitations, **301:14, 301:15**

### **ON-CALL EMPLOYEES**

- Off-duty injuries, **112:16**

### **ON-PREMISES INJURIES**

- Assault, **114:5**
- Employment connection, **110:7 to 110:9**
- Off-duty injuries, **112:32**

### **ON-PREMISES MEAL BREAKS**

- Off-duty injuries, **112:7**

### **OPEN HEARINGS**

- Hearing, **308:14**

### **OPIOIDS**

- Addiction, weaning off, **109:44**

### **OPTOMETRY**

- Medical benefits, **202:22**

### **ORDERS**

- Appealable orders, **310:3**
- Depositions** (this index)
- Discovery, demand for medical information, **320:6**
- Interlocutory orders, **315:12**
- Interrogatories** (this index)
- Medical investigations, military record requests; court order requirements, **319:12**
- Offsets, order recognizing right to social security offset, **207:5**
- Validity of order or regulation, **305:28**

### **OSHA**

- Claim Investigations** (this index)

### **OSTEOARTHRITIS**

- Diseases, **109:14**

### **OSTEOPATHY**

- Medical benefits, **202:24**

### **OUTER CONTINENTAL SHELF INJURIES**

- Maritime injuries, **104:21**

### **OUT-OF-STATE INJURIES**

- Generally, **104:16, 104:17**

### **OUTPUT WORKERS**

- Earnings, **201:10**

### **OUTSIDE EMPLOYEES**

- Off-duty injuries, off-premises meal breaks, **112:9**

**OUTWORKERS**

Covered employees, **106:48**

**OVERLAPPING DISABILITIES**

Compensation and benefits, generally,  
**200:22 to 200:25**

**OVERTIME EARNINGS**

Generally, **201:25**

**OWNERSHIP**

Covered employers, **105:17**  
Dog owner's liability, **102:24**  
Landowners, **103:20**  
**Sole Proprietors** (this index)  
Travel and commuting, employer  
ownership and control, **111:13**

**PAIN**

Compensation and benefits, generally,  
**200:3**  
Therapy, **202:31**

**PAPERS**

Defective appeal papers, **313:8**

**PARAMEDICS**

Covered employees, **106:51.4**

**PARENTS**

Covered dependents, **107:10**

**PARKING LOT INJURIES**

Generally, **111:14**

**PART**

**Partial** (this index)

**PARTIAL CONTRACTING OF  
BUSINESS**

Generally, **105:18**

**PARTIAL DEPENDENTS**

Covered dependents, **107:15, 107:21**

**PARTIAL DISABILITY OR LOSS**

Compensation and benefits, generally,  
**200:12, 200:13**  
Permanent partial disability, generally,  
**200:9**  
Temporary partial disability, **200:7**  
Vision, **200:13**

**PARTIES**

Generally, **302:1 et seq., 314:1 et seq.**  
Administrative review, **310:4**

**PARTIES—Cont'd**

Death of party, **302:7**  
Impleader, **302:4**  
Indispensable parties, **314:3**  
Intervenors, **314:5**  
Intervention, **302:3**  
Necessary parties, **314:3**  
Petitioners, **302:2**  
Respondents, **302:5**  
Standing to appeal, **314:2**  
Substitution of parties, **302:6, 314:4**  
Third persons, remedies against, **103:50**

**PARTNERS**

Compulsory coverage, **101:9**  
Covered employees, **106:49**  
Earnings, **201:14**  
Third persons, remedies against, **103:32**

**PARTTIME EMPLOYMENT**

Earnings, **201:6**

**PATHOLOGY REQUESTS**

Medical investigations, **319:8**

**PAYMENTS**

Generally, **205:1 et seq.**  
Acceptance of payment, **205:13**  
Admissibility of evidence, **306:27**  
Advance, **205:16.1**  
Annuities, **205:10**  
Approval procedures, **205:8**  
Assignability, **205:19**  
Child support, **205:9.1**  
Claimants' liens, **205:23**  
Collateral source payments, **202:40**  
Commutable benefits, **205:5**  
Compensation agreements, **204:1**  
Computation of award, **205:7**  
Covered dependents, **107:19**  
Deposits, **205:11**  
Discontinuance of, **205:18**  
Enforcement of awards, **205:24**  
Exemption, **205:20**  
Foreign claimants, **205:16**  
Form of payment, **205:2**  
Grounds for commutation, **205:6**  
Incompetents, **205:14**  
Jurisdiction, **313:9**  
Late payments, **205:17**  
Liens against compensation, **205:23**



## INDEX

### **PAYMENTS—Cont'd**

- Lump sum payments
  - Generally, **205:4 to 205:9**
  - Approval procedures, **205:8**
  - Commutable benefits, **205:5**
  - Computation of award, **205:7**
  - Costs, fees, and expenses, generally, **317:10**
  - Grounds for commutation, **205:6**
  - Payment of award, **205:9**
- Minors, **205:14**
- Multiemployer liability, **205:21**
- Power of attorney, payments under, **205:3**
- Preferences, **205:22**
- Presumptions and burden of proof, **305:25**
- Priority, **205:22**
- Receipts, **205:13**
- Relocating workers, **205:15**
- Security, **205:11**
- Time limitations, **301:10**
- Travel, employer-paid, **111:5**
- Trusts, **205:12**

### **PAYROLL**

- Minimum payroll, covered employers, **105:7**

### **PECUNIARY GAIN REQUIREMENT**

- Covered employees, **106:7**

### **PENALTIES**

- Generally, **317:11**
- Administrative proceedings, **300:7**
- Civil penalties, **311:31**
- Failure to maintain insurance, **101:31**
- No fees on penalty for late benefits payment cases, **317:14**

### **PENSIONS**

- Offsets, **207:6.1**

### **PERIOD BEFORE WORK**

- Off-duty injuries, **112:3**

### **PERIOD OF TREATMENT**

- Medical benefits, **202:42**

### **PERMANENT DISABILITY**

- Permanent partial disability, **200:9**
- Permanent total disability, **200:19 to 200:21**

### **PERMANENT RESIDENTS**

- Covered employees, **106:9.10**

### **PERSONAL COMFORT BREAKS**

- Off-duty injuries, **112:5**

### **PERSONAL JURISDICTION**

- Generally, **313:4**

### **PERSONAL RISK**

- Employment connection, **110:8**

### **PETITIONS AND PETITIONERS**

- Generally, **302:2**
- Administrative review, **310:5**
- Interrogatories** (this index)
- Judicial review, **312:3**
- Medical Investigations** (this index)
- Notice and claim, **303:9**

### **PHYSICAL AGGRESSION**

- Third persons, remedies against, **103:43**

### **PHYSICAL EXAMINATIONS**

- Medical Examinations** (this index)

### **PHYSICAL THERAPY**

- Medical benefits, **202:25**

### **PHYSICIANS**

- Change of physician, **202:47**
- Depositions, physician's certification; de bene esse motion, **320:25**
- Medical Examinations** (this index)
- Medical Investigations** (this index)
- Selection of physician, **202:44**

### **PICKETS**

- Covered employees, **106:61**

### **PLACE OF BUSINESS**

- Workplace** (this index)

### **PLACE OF HIRE FACTOR**

- Generally, **104:9**

### **PLAN DEVELOPMENT**

- Vocational rehabilitation, **203:3**

### **PLEADINGS**

- Notice and Claim** (this index)

### **PNEUMOCONIOSIS**

- Generally, **109:23**

**PODIATRY**

Medical benefits, **202:23**

**POISONS**

Generally, **109:32**

**POLICE**

Claim investigations, police report request, **318:10**

Covered employees, **106:40, 106:40.1**

Employment connection, **110:13**

Travel and commuting, **111:22**

**POOR ECONOMY**

Basis for compensation, **200:6.1**

**POSITIONAL RISK**

Generally, **113:4, 114:10**

**POST-DEATH AWARDS**

Generally, **309:4**

**POST-INJURY**

Job offer, presumptions and burden of proof, **305:22**

**POSTTERMINATION**

Employment connection, **110:6**

**POWER OF ATTORNEY**

Payments under, **205:3**

**PRECLUSION**

Retaliation, preclusion of claim or issue, **311:21**

**PREEMPTION**

**Federal Preemption** (this index)

**PRE-EXISTING CONDITION**

Alcohol or drug addiction as, **116:11**

Employment aggravation of pre-existing condition, **116:2**

Weight and sufficiency of evidence, **307:7**

Work-related pre-existing condition, **116:13**

**PREFERENCES**

Payments, **205:22**

**PREHEARING CONFERENCES**

Generally, **308:8**

**PREHIRE**

Employment connection, **110:6**

**PREJUDICE**

Presumptions and burden of proof, prejudice from lack of notice, **305:6**

**PREMISES**

**Workplace** (this index)

**PREMISES LIABILITY**

Employers, remedies against, **102:23**

**PREMISES RULE**

Travel and commuting, **111:11, 111:12**

**PRESCRIPTIONS**

Compensation and benefits, **202:51**

**PRESERVATION OF QUESTIONS**

Appeal and review, **315:11**

**PRESUMPTIONS AND BURDEN OF PROOF**

Generally, **305:1 et seq.**

Accidents and injuries, **305:8, 305:22**

Availability of work, **305:23**

Causal link between injury and disability or death, **305:15**

Claim time-barred, **305:21**

Compensability, **305:3**

Correctness of report, **305:27**

Death, **305:13**

Dependency, **305:17**

Disability, **305:9**

Earning capacity, **305:16**

Employment relationships, **305:7**

Firefighters, **305:29**

Found dead presumption, **305:13**

Medical treatment, **305:19**

Misconduct, **305:18**

Notice, **305:5**

Odd-lot status, **305:10**

Payment, **305:25**

Post-injury job offer, **305:22**

Prejudice from lack of notice, **305:6**

Private sector claimants, **305:4**

Public safety personnel, **305:12**

Search for work, **305:24**

Settlement, **305:26**

Statutory applicability, **305:2**

Subsequent injuries, presumption of accidental injury, **116:5**

Unwitnessed accident, **305:13.10**

Validity of order or regulation, **305:28**

## INDEX

### **PRESUMPTIONS AND BURDEN OF PROOF—Cont'd**

Vocational rehabilitation, **305:20**  
Work connection, **305:11**

### **PREVENTIVE CARE**

Medical benefits, **202:6**

### **PRINCIPALLY LOCALIZED EMPLOYMENT FACTOR**

Generally, **104:10 to 104:12**

### **PRINCIPALS**

Third persons, remedies against, **103:26**

### **PRIOR AWARD**

Interrogatories, application to review or modify prior award, **320:19**

### **PRIORITY**

Covered dependents, **107:6**  
Payments, **205:22**

### **PRISONERS**

Compensation and benefits, generally, **200:43**  
Covered employees, **106:50**  
False imprisonment, remedies against employer, **102:14.2**

### **PRISON INMATES**

Earnings, **201:19**

### **PRIVILEGED COMMUNICATIONS**

Admissibility of evidence, **306:9**

### **PROCEEDS**

Division of recovery proceeds, **103:60, 103:61**  
Insufficient proceeds, **103:61**

### **PROCESS AND SERVICE OF PROCESS**

Depositions, liability deposition; certification of service, **320:33**  
Discovery; demand for medical information, certification of service, **320:7**

### **PRODUCT LIABILITY**

Employers, remedies against, **102:27**

### **PROFESSIONALS**

Construction design professionals, **103:34**

### **PROHIBITION**

Judicial proceedings, **312:13**

### **PROSPECTIVE STATUTES**

Generally, **104:3 to 104:5**

### **PROSTHETIC DEVICES**

Injuries to, **108:12**

### **PROTECTED ACTIVITIES**

Retaliation, **311:9, 311:10**

### **PUBLIC**

Assault or firearms, dealing with public, **114:7**

### **PUBLICATIONS**

Admissibility of evidence, **306:8, 306:18**  
Medical articles or treatises, **306:18**  
Official publications, **306:8**

### **PUBLIC BODY OR OFFICIAL**

Elective coverage, election by notice to, **101:21**

### **PUBLIC EMPLOYEES**

Generally, **104:13**  
Coemployees, **103:8**  
Covered dependents, **107:13**  
Covered employees, **106:51**  
Special public employees, earnings of, **201:23**

### **PUBLIC EMPLOYER**

Compulsory coverage, **101:4**  
Covered employers, **105:20**  
Defenses, retaliation, **311:20**  
Third persons, remedies against, **103:25**

### **PUBLIC GOOD WILL INJURIES**

Employment connection, **110:14**

### **PUBLIC OFFENDERS**

Compulsory coverage, **101:7**

### **PUBLIC SAFETY WORKERS**

Compensation and benefits, generally, **200:46**  
Compulsory coverage, **101:5**  
Earnings, **201:21**  
Heart disease, **109:25**  
Presumptions and burden of proof, **305:12**

**PUBLIC THOROUGHFARES**

Generally, **111:8**

**PUBLIC UTILITIES**

Third persons, remedies against, **103:24**

**PUERTO RICAN WATERS**

Maritime injuries, **104:22**

**PULMONARY DISEASE**

Supplemental interrogatories, **320:12**

**PUNITIVE DAMAGES**

Retaliation, **311:29**

**QUESTION CERTIFICATION**

Judicial proceedings, **312:8**

**QUESTIONNAIRES**

Claim investigations, interview  
questionnaire (occupational disease  
information form), **318:3**

**QUESTIONS NOT PRESERVED**

Appeal and review, **315:11**

**QUESTIONS OF LAW AND FACT**

Appeal and review, **315:2, 315:9**  
Hearing, **308:20**

**QUI TAM ACTIONS AND  
INSURANCE FRAUD  
PROTECTION ACTS**

Employers, remedies against, **102:28.1**

**RACETRACK WORKERS**

Covered employees, **106:51.2**

**RACKETEER INFLUENCED AND  
CORRUPT ORGANIZATIONS  
ACT (RICO)**

Third persons, remedies against, **103:6**

**RADIATION EXPOSURE**

Generally, **109:37**

**RADIOLOGY REQUESTS**

Medical investigations, **319:9**

**RAILROAD EMPLOYEES**

Covered employees, **106:51.1**

**REAL ESTATE AGENTS AND  
SALESPERSONS**

Compulsory coverage, **101:18**  
Covered employees, **106:52**  
Covered employers, **105:21**

**REASONABLE EXCUSE**

Time limitations, **301:13**

**RECALL**

Statutes, **311:7**

**RECEIPTS**

Payments, **205:13**

**RECONSIDERATION**

Awards, **309:9**

**RECORDS AND REPORTS**

Administrative review, **310:8**  
**Admissibility of Evidence** (this index)  
**Claim Investigations** (this index)  
Compensation agreements, **204:9**  
Hearing, **308:22, 316:4**  
**Hospital Records** (this index)  
Medical examinations, **304:5, 304:6**  
**Medical Investigations** (this index)  
**Medical Records and Reports** (this  
index)  
Notice and claim, employer report,  
**303:2**  
Omission, failure to file report as,  
**301:15**  
Presumptions and burden of proof, cor-  
rectness of report, **305:27**  
Time limitations, **301:8, 301:15**  
Weight and sufficiency of evidence,  
medical records and testing, **307:22**

**RECOVERY**

Disbursement of recovery, **103:59**  
Division of recovery proceeds, **103:60,**  
**103:61**  
Lien on recovery, **103:57**  
Maximum recovery, **200:35**  
Subrogation, recovery subject to, **103:56**

**RECREATION**

**Off-Duty Injuries** (this index)

**RECURRENCE**

Subsequent injuries, **116:22**

**REDUCTION OF BENEFITS**

Generally, **317:7**

**RE-ENTRY**

Travel and commuting, **111:20**

## INDEX

### REFERENCES

Compensation agreements, **204:18**  
Earnings, **201:35**  
Employers, remedies against, **102:35**  
Judicial proceedings, **312:15**  
Time limitations, **301:17**  
Venue, **313:16**  
Weight and sufficiency of evidence, **307:22**

### REFERENCES FOR DETERMINATION

Hearing, **308:9**

### REFUSAL

Suitable work, **200:32**  
Treatment, refusal of, **116:18, 202:48**

### REHABILITATION

Compensation and benefits, generally, **200:29**  
Covered employers, **105:22**  
Drug and alcohol rehabilitation, **112:39**  
Earnings, **201:17**  
Employee misconduct, failure to comply with rehabilitation plan, **115:26.1**  
Presumptions and burden of proof, vocational rehabilitation, **305:20**  
**Vocational Rehabilitation** (this index)

### REHEARING

Generally, **308:23**

### REHIRE

Retaliation, statutes, **311:7**

### REIMBURSEMENT

Expense reimbursements and allowances, **201:31**  
Limits on reimbursement, **116:25**  
Third person's reimbursement rights, **104:32**

### REINSTATEMENT

Retaliation, **311:30**

### REJECTION

Compulsory coverage, involuntary coverage rejections as invalid, **101:3**

### RELATED CORPORATIONS

Third persons, remedies against, **103:14**

### RELATION-BACK DOCTRINE

Generally, **301:17**

### RELATION TO EMPLOYMENT

**Employment Connection** (this index)

### RELEASE

**Claim Investigations** (this index)  
**Discharge from Employment** (this index)  
**Medical Investigations** (this index)  
Retaliation, **311:18**  
Third party action subrogation liens, **206:15**

### RELIGIOUS PERSONNEL

Covered employees, **106:53**

### RELOCATING WORKERS

Payments, **205:15**

### REMAND

Determinations, **316:8**

### REMEDIES

**Employers, Remedies Against** (this index)  
**Third Persons, Remedies Against** (this index)

### REMOTE WORKSITE

Travel and commuting, **111:3**

### REMUNERATION REQUIREMENTS

Covered employers, **105:3**

### RENTALS

Equipment rental, **201:32**

### REOPENING

Awards, **309:11**  
Notice and claim, petition to reopen, **303:9**

### REPETITIVE MOTION DISEASES OR TRAUMA

Generally, **109:10**  
Diseases, **109:59**  
Supplemental interrogatories, **320:13**

### REPETITIVE TRAUMA

Subsequent injuries, **116:6**

### REPORTS

**Records and Reports** (this index)

**REPRESENTATION**

Attorneys (this index)

**REPRESENTATIVES**

Claim investigations, letter authorizing release of information to designated representative, **318:15**

Medical investigations, medical authorization for release of medical records, **319:7**

Sales representatives as covered employees, **106:54**

**REQUESTS**

Claim Investigations (this index)

Discovery (this index)

Hearing, request for, **301:9, 308:3**

Medical examinations, sanctions for noncompliance with examination request, **304:4**

Medical Investigations (this index)

Notice and claim, request for determination, **303:6**

Time limitations, failure to request hearing, **301:9**

**RESCISSION**

Awards, **309:10**

**RESCUE PERSONNEL**

Covered employees, **106:25**

**RESERVED CASES**

Judicial proceedings, **312:7**

**RESIDENT EMPLOYEES**

Off-duty injuries, **112:17 to 112:19**

**RES JUDICATA**

Administrative proceedings, **300:15**

**RESOLUTION**

Alternative dispute resolution, **300:9 to 300:11**

**RESPONDEAT SUPERIOR  
LIABILITY**

Employers, remedies against, **102:15**

**RESPONDENTS**

Generally, **302:5**

Interrogatories (this index)

Medical Investigations (this index)

**RESPONSE**

Claim, response to, **303:4**

**REST**

Off-duty injuries, authorized rest breaks, **112:4**

**RESULTS**

Alcohol and drug test results, admissibility of evidence, **306:21**

Medical examinations, **304:5**

**RESUMING WORK**

Compensation and benefits, generally, **200:31**

**RETALIATION**

Generally, **311:1 et seq., 311:24**

Absence, **311:15**

Administrative procedure, **311:24**

Anti-compensation-avoiding devices statutes, **311:6**

Anti-discharge statutes, **311:3**

Anti-discrimination statutes, **311:4**

Anti-harassment statutes, **311:5**

Attorneys' fees, **311:33**

Backpay, **311:30**

Causation, **311:12**

Choice of law, **311:25**

Civil penalties, **311:31**

Claim or issue preclusion, **311:21**

Common-law tort actions, **311:2**

Costs of action, **311:33**

Criminal statutes, **311:8**

Damages, **311:21.1, 311:28, 311:29**

Defenses

Generally, **311:13 to 311:20**

Absence, **311:15**

Dishonesty, **311:16**

Employee's inability to work with others, **311:16.1**

Public employer defenses, **311:20**

Release, **311:18**

Tardiness, **311:15**

Theft, **311:20.2**

Unfitness for work, **311:14**

Untimeliness of notice or claim, **311:19**

Waiver, **311:17**

Dishonesty, **311:16**



## INDEX

### RETALIATION—Cont'd

- Employee's inability to work with others, **311:16.1**
- Equitable relief, **311:32**
- Evidence, **311:26**
- Federal preemption, **311:22**
- Hire, rehire, or recall statutes, **311:7**
- Intent, **311:11**
- Judicial procedure, **311:23**
- Mitigation of damages, **311:21.1**
- Prima facie case and summary judgment, **311:1.1**
- Protected activities, **311:9, 311:10**
- Public employer defenses, **311:20**
- Punitive damages, **311:29**
- Reinstatement, **311:30**
- Release, **311:18**
- Stalking, **311:20.1**
- Statutes
  - Anti-compensation-avoiding devices statutes, **311:6**
  - Anti-discharge statutes, **311:3**
  - Anti-discrimination statutes, **311:4**
  - Anti-harassment statutes, **311:5**
  - Criminal statutes, **311:8**
  - Hire, rehire, or recall statutes, **311:7**
- Tardiness, **311:15**
- Theft, **311:20.2**
- Third party claims, **321:20**
- Trial, **311:27**
- Undocumented workers, **311:8.1**
- Unfitness for work, **311:14**
- Unsuccessful claims, **311:10**
- Untimeliness of notice or claim, **311:19**
- Waiver, **311:17**

### RETIREMENT

- Compensation and benefits, generally, **200:41**

### RETIREMENT PLAN

- Contributions, **201:27**

### RETROACTIVE STATUTES

- Generally, **104:3 to 104:5**

### REVIEW

- Administrative Review** (this index)
- Judicial Review** (this index)

### RHEUMATOID ARTHRITIS

- Diseases, **109:14**

### RICO

- Third persons, remedies against, **103:6**

### RIDESHARES

- Generally, **111:6**

### RIGHT TO KNOW LAW

- Claim Investigations** (this index)

### RIPENESS FOR REVIEW

- Jurisdiction, **313:12**

### RISKS

- Classification codes, **101:28**
- Diseases, risk characteristic of employment, **109:3**
- Employment connection, **110:8, 110:9**
- Increased risk requirement, **114:6 to 114:9**
- Neutral risks, **110:9**
- Personal risk, **110:8**
- Positional risk, **113:4, 114:10**
- Weather injuries, **113:4**

### ROAD RAGE

- Travel and commuting, **111:23.1**

### ROUTE

- Workplace, route to, **111:9**

### RULEMAKING

- Administrative proceedings, **300:6**

### RULES VIOLATIONS

- Employee misconduct, **115:10 to 115:12**

### SAFETY

- Employee misconduct, safety violations, **115:13 to 115:17**
- Employers, remedies against, failure to provide safe workplace, **102:20 to 102:22, 102:22.1**
- Public Safety Workers** (this index)
- Third persons, remedies against, unsafe workplace, **103:41**
- Violation of specific safety requirement (VSSR), **115:14 to 115:17**
- Weight and sufficiency of evidence, **307:21**
- Willful conduct, safety violations, **103:40**

### SAFETY DEVICES

- Employers, remedies against, safety devices as inadequate, **102:22**

**SAFETY DEVICES—Cont'd**

Third persons, remedies against,  
improper safety devices, **103:42**

**SALESPERSONS**

Compulsory coverage, real estate  
salespersons, **101:18**

Covered employees, **106:54**

**SAME INJURY**

Overlapping disabilities, **200:23**

**SANCTIONS**

Claim investigations, criminal sanctions  
against employer for wrongful dis-  
charge, **318:2**

Frivolous claims, **317:11.50**

Medical examinations, sanctions for  
noncompliance with examination  
request, **304:4**

**Penalties** (this index)

**SCHEDULED LOSSES**

Generally, **200:10 to 200:14**

Disfigurement, **200:14**

Offsets, **200:14.10**

Partial loss, **200:12**

Unscheduled injuries, comparison to,  
**200:16**

Use, loss of, **200:11**

Vision, partial loss of, **200:13**

**SCHOOLS AND EDUCATION**

Earnings, tuition, **201:35.1**

Third persons, remedies against,  
principals, **103:26**

**Training** (this index)

**SEARCH FOR WORK**

Failure to make search for work, **200:34**

Presumptions and burden of proof,  
**305:24**

**SEASONAL WORKERS**

Compulsory coverage, **101:15**

Earnings, **201:8**

**SECOND INJURY FUND CLAIMS**

Compensation agreements, **204:4**

**SECURITY**

Covered employees, **106:37.3**

Payments, **205:11**

**SEIZURES**

Diseases, **109:28, 109:29**

**SELF-EMPLOYED PERSONS**

Earnings, **201:13**

**SELF-EXPOSURE**

Diseases, **109:5**

**SELF-INFLICTED OFFENSES**

Intent, **115:4, 115:5**

**SELF-PROVIDERS**

Medical benefits, employer as self-  
providers, **202:43**

**SERIOUS OFFENSES**

Employee misconduct, **115:2**

**SERVANTS**

Third persons, remedies against, loaned  
servants, **103:30, 103:31**

**SERVICE LOSSES**

Employers, remedies against, **102:34**

**SERVICE OF PROCESS**

**Process and Service of Process** (this  
index)

**SETTLEMENTS**

**Compromise and Settlement** (this  
index)

**SEX OF PHYSICIAN**

Medical investigations, request for  
medical examination by physician  
same sex as claimant, **319:15**

**SEXUAL HARASSMENT**

Generally, **114:14**

Employers, remedies against, **102:17**

**SHORT-TERM DISABILITY PLAN**

Offsets, **207:6.3**

**SHORT-TERM WORKERS**

Earnings, **201:2**

**SHOW CAUSE PROCEEDINGS**

Generally, **312:14**

**SIGNIFICANT OTHER BENEFITS**

Covered dependents, **107:7.1**

**SILICOSIS**

Generally, **109:21**

## INDEX

### **SILICOSIS—Cont'd**

Employee misconduct, medical misconduct, **115:26**

### **SINGLE WORK-RELATION TEST**

Employment connection, **110:2**

### **SISTERS AND BROTHERS**

Covered dependents, **107:11**

### **SKIN DISORDERS**

Generally, **109:34**

### **SKI WORKERS**

Covered employees, **106:55**

### **SLEEPING ON JOB**

Generally, **115:28.1**

### **SMALL CLAIMS**

Administrative proceedings, **300:8**

### **SMOKING**

Employee misconduct, **115:22.1**

### **SOCIAL ACTIVITIES**

**Off-Duty Injuries** (this index)

### **SOCIAL SECURITY**

#### **ADMINISTRATION**

Claim investigations, request for Social Security Administration information and detailed earnings information, **318:6**

### **SOCIAL SECURITY OFFSET**

**Offsets** (this index)

### **SOLE PROPRIETORS**

Compulsory coverage, **101:9**

Covered employees, **106:56**

### **SPECIAL CLAIMS**

Time limitations, **301:7**

### **SPECIAL CONTRACTS**

Earnings, **201:11**

### **SPECIAL HAZARDS**

Travel and commuting, **111:7 to 111:9**

### **SPECIALIST TREATMENT**

Medical benefits, **202:11**

### **SPECIAL MISSIONS OR ERRANDS**

Travel and commuting, **111:16**

### **SPECIAL PUBLIC EMPLOYEES**

Earnings, **201:23**

### **SPECIAL VEHICLES**

Medical benefits, **202:35**

### **SPECIFIC LOSSES**

Permanent total disability, **200:20**

### **SPINE**

Diseases, **109:12**

### **SPIRITUAL TREATMENT**

Medical benefits, **202:28**

### **SPORTS**

Compulsory coverage, **101:20**

Covered employees, **106:12**

Covered employers, **105:11**

Off-duty, **112:38**

### **SPOUSE**

Covered dependents, **107:7**

### **STABILITY**

Maximum stability, **200:28**

### **STAFFING AGENCIES**

Covered employees, **106:41**

### **STAGING ACCIDENTS**

Fraud and deceit, **115:9.2**

### **STANDARD OCCUPATIONAL DISEASE INTERROGATORIES**

**Interrogatories** (this index)

### **STANDING TO APPEAL**

Generally, **314:2**

### **STATE CONSTITUTIONAL PROVISIONS**

Construction and interpretation, **100:7.1**

### **STATEMENTS**

Admissibility of evidence, **306:6,**  
**306:26**

### **STATE OCCUPATIONAL SAFETY AND HEALTH ACTS**

Claim investigations, **318:16**

### **STATE RECORDS**

Claim investigations, **318:12**

## STATUTES

**Construction and Interpretation** (this index)  
 Covered employees, **106:57**  
 Employee misconduct, **115:27**  
 Employees, statutory, **103:18, 106:57**  
 Employers, statutory, **103:17**  
**Federal Preemption** (this index)  
 Liens, **206:18**  
 Migrant workers' statutory claims, **102:31**  
 Off-duty injuries, statutory reflection of traditional requirements, **112:25**  
 Offsets, **207:6**  
 Permanent total disability, **200:21**  
 Presumptions and burden of proof, **305:2**  
 Prospective statutes, **104:3 to 104:5**  
**Retaliation** (this index)  
 Retroactive statutes, **104:3 to 104:5**  
 Safe workplace, failure to provide, **102:21**  
 Third persons, remedies against, **103:2, 103:17, 103:18**  
 Weight and sufficiency of evidence, **307:4**

## STATUTORY COMPARISON

Generally, **321:1 et.seq**  
 Attorneys Fees, **321:9**  
 Claim Time Limitations, **321:7**  
 Compulsory and Elective Coverage, **321:2**  
 Covered 8220Employees, **321:4**  
 Death Benefits, **321:15**  
 Definition of 8220Injury8221 and 8220Accident8221, **321:3**  
 Disfigurement, **321:16**  
 Injury 8220Arising Out of the Employment8221, **321:5**  
 Medical Benefits, **321:8**  
 Notice of Injury8221 Requirements, **321:6**  
 Occupational Disease, **321:14**  
 Permanent Partial Disability and Benefits, **321:12**  
 Permanent Total Disability and Benefits, **321:13**  
 Rehabilitation Benefits, **321:17**  
 Retaliation, **321:20**

## STATUTORY COMPARISON—Cont'd

Selection of Physician, **321:18**  
 Temporary Partial Disability and Benefits, **321:11**  
 Temporary Total Disability and Benefits, **321:10**  
 Third Party Claims Generally and Third Party Settlement, **321:19**

## STAY

Awards, stay pending review, **309:6**

## STIPULATIONS

Hearing, **308:11**

## STOCKBROKERS

Covered employees, **106:51.3**

## STOCKHOLDERS

Compulsory coverage, **101:8**  
 Covered employees, **106:22**  
 Earnings, **201:15**

## STOMACH DISORDERS

Diseases, **109:31**

## STORE OPERATORS

Third persons, remedies against, **103:23**

## STRESS-CAUSED MENTAL ILLNESS

Generally, **109:47**

## STROKE

Diseases, **109:27**

## STRUCTURED SETTLEMENTS

Compensation agreements, **204:8**

## STUDENT WORKERS

Covered employees, **106:58**

## SUBCONTRACTORS

Compulsory and elective coverage, **101:20.10**  
 Covered employees, **106:33**  
 Third persons, remedies against, **103:28**

## SUBMISSION TO EXAMINATION

Employee's duty to submit to, **304:1**

## SUBROGATION

**Liens** (this index)  
 Minors' compensation, **200:47.1**  
 Payor, subrogation of claim to, **103:55**  
 Questions, **104:31**  
 Recovery subject to subrogation, **103:56**

## INDEX

### **SUBROGATION—Cont'd**

Third party actions, **206:7.10**

### **SUBSEQUENT EMPLOYER LIABILITY**

Subsequent injuries, **116:20**

### **SUBSEQUENT INJURIES**

Generally, **116:1 et seq.**

Accidental injury requirement, **116:4 to 116:7**

Aggravation, **116:22**

Alcohol or drug addiction as pre-existing condition, **116:11**

Apportionment of liability, **116:19 to 116:21**

Causation, **116:9**

Claims of employee, **116:28**

Concurrent benefits, **116:26**

Continuation of injury in established case, **116:22.10**

Direct result, **116:14**

Employee misconduct, **116:17**

Employment connection, generally, **116:8, 116:13**

Funds for, **116:24, 116:25**

Hazardous fumes, exposure to, **116:7**

Idiopathic conditions, **116:10**

Independent intervening cause, **116:15**

Last injurious exposure, **116:23**

Maximum medical improvement, **116:21**

Medical complications, **116:12**

Natural result, **116:14**

Pre-existing condition, **116:2, 116:11, 116:13**

Presumption of accidental injury, **116:5**

Recurrence, **116:22**

Refusal of medical treatment, **116:18**

Refusal of treatment, **116:18**

Reimbursement, limits on, **116:25**

Repetitive trauma, **116:6**

Subsequent employer liability, **116:20**

Substantial factor test, **116:3**

Supplemental earnings benefits, **116:27**

Traveling for treatment, **116:16**

Unusual exertions, **116:6**

### **SUBSTANTIAL CAUSE**

Intoxication, **115:22**

### **SUBSTANTIAL DEVIATIONS**

Travel and commuting, **111:21**

### **SUBSTANTIAL FACTOR TEST**

Subsequent injuries, **116:3**

### **SUBSTITUTION OF PARTIES**

Generally, **302:6, 314:4**

### **SUCCESSIVE INJURIES**

Generally, **104:17**

Governing law, generally, **104:17**

Overlapping disabilities, **200:25**

### **SUCCESS REQUIREMENT**

Costs, fees, and expenses, **317:3**

### **SUFFICIENCY**

Awards, **309:3**

Evidence. **Weight and Sufficiency of Evidence** (this index)

### **SUICIDE**

Employee misconduct, **115:5**

### **SUITABLE WORK**

Availability, **200:33**

Refusal, **200:32**

Vocational rehabilitation, transfer to other suitable work, **203:7**

### **SUMMARY JUDGMENT**

Awards, **309:7**

### **SUMMONS**

Review by summons to commission, **312:5**

### **SUPERVISORS**

Third persons, remedies against, **103:12**

### **SUPPLEMENTAL EARNINGS BENEFITS**

Subsequent injuries, **116:27**

### **SUPPLEMENTAL INTERROGATORIES** **Interrogatories** (this index)

### **SURGERY**

Medical benefits, **202:16**

### **SURVEYS**

**Claim Investigations** (this index)

### **SURVIVORS**

Exclusion of, **102:3**

**SUSPENSION OF BENEFITS**

Generally, **309:8**

**TARDINESS**

Retaliation, **311:15**

**TAXI DRIVERS**

Covered employees, **106:59**

**TAX STATEMENTS**

Claim investigations, request for federal income tax statements, **318:5**

**TECHNOLOGY**

Advances, Permanent total disability, **200:21.4**

**TELEPHONIC**

Deposition, **320:29**

**TEMPORARY DISABILITY**

**Claim Investigations** (this index)

Liens, **206:2**

Partial disability, **200:7**

Temporary partial disability, **200:7**

Temporary total disability, **200:8**

Total disability, **200:8**

**TEMPORARY IN-STATE WORK**

Generally, **104:15**

**TERMINATION**

Covered dependents, **107:20, 107:21**

Disability, end of, **200:26**

**Discharge From Employment** (this index)

Employers, remedies against, **102:14.4**

Employment connection, posttermination, **110:6**

Notice of termination of benefits, **303:5**

Payments, discontinuance of benefits, **205:18**

**TERMS**

Construction according to, **100:5**

**TESTIMONY**

**Admissibility of Evidence** (this index)

**Expert Evidence** (this index)

Hearing, generally, **308:16**

Written testimony, **308:17**

**TESTS**

Admissibility of evidence, **306:21**

**TESTS—Cont'd**

Alcohol and drug testing, **115:20, 306:21**

Claim investigations, testing for harmful chemicals by NIOSH, NIEHS, and FDA, **318:22 to 318:24**

Covered dependents, tests of dependency, **107:4**

Covered employees, **106:32**

Employee misconduct, **115:20**

Employment connection, **110:2, 110:3**

Off-duty injuries, after hours training, **112:37**

Single work-relation test, **110:2**

Subsequent injuries, substantial factor test, **116:3**

Twin-test rule, **110:3**

**THEFT**

Remedies against employers, employee theft, **102:14.3**

Retaliation, **311:20.2**

**THIRD PARTY CLAIMS**

Generally, **321:19**

Discontinuance, **204:20**

Retaliation, **321:20**

Settlement, **321:19**

**THIRD PERSONS**

**Assault or Firearms** (this index)

Causation, **202:4**

Fault or blame, **108:5**

**Liens** (this index)

Reimbursement rights, **104:32**

Remedies. **Third Persons, Remedies Against** (this index)

**THIRD PERSONS, REMEDIES**

**AGAINST**

Generally, **103:1 et seq.**

Abandonment, insufficiency of claim, **103:49.1**

Abuse of process and fraud, **103:5**

Assignment/subrogation of claim to compensation payor, **103:55**

Attorney, **103:19**

Choice of remedies, **103:1**

Claims processing, **103:4**

Closely held corporations, **103:15**

**Coemployees** (this index)

Community property, **103:62**



## INDEX

### THIRD PERSONS, REMEDIES

#### AGAINST—Cont'd

Consortium, loss of, **103:47**  
Construction design professionals, **103:34**  
Contractors, **103:27 to 103:29**  
Corporations  
    Generally, **103:14**  
    Closely held corporations, **103:15**  
    By estoppel, **103:15.1**  
Defenses, **103:51 to 103:53**  
Directors, **103:13**  
Disbursement of recovery, **103:59**  
Distributors, **103:22**  
Division of recovery proceeds, **103:60, 103:61**  
Former employers, **103:16**  
Fraud, **103:5**  
General contractors, **103:27**  
Guarantors, **103:4, 103:5**  
Improper safety devices, **103:42**  
Indemnification agreement of employer, **103:53**  
Independent contractors, **103:29**  
Insufficient proceeds, **103:61**  
Insurers, **103:4, 103:5**  
Intentional infliction of emotional distress, **103:38**  
Intentional torts, **103:37, 103:38**  
Intoxication of coemployees, **103:10**  
Joint venturers, **103:33**  
Labor unions, **103:36**  
Landowners, **103:20**  
Lien on recovery, **103:57**  
Loaned servants, **103:30, 103:31**  
Loaning employer, **103:31**  
Managers, **103:12**  
Manufacturers, **103:21**  
Medical malpractice claims, **103:44**  
Negligence, **103:11, 103:51, 103:52**  
No-fault insurance, **103:45**  
Officers, **103:13**  
Parties, **103:50**  
Partners, **103:32**  
Principals, **103:26**  
Public coemployees, **103:8**  
Public employers, **103:25**  
Public utilities, **103:24**

### THIRD PERSONS, REMEDIES

#### AGAINST—Cont'd

Racketeer Influenced and Corrupt Organizations Act (RICO), **103:6**  
Related corporations, **103:14**  
Requisite employment connection for coemployees, **103:9**  
Safety violations, willful conduct, **103:40**  
Settlements, **103:54**  
Statutory employees, **103:18**  
Statutory employers, **103:17**  
Statutory interpretation, **103:2**  
Store operators, **103:23**  
Subcontractors, **103:28**  
Subrogation, recovery subject to, **103:56**  
Supervisors, **103:12**  
Time limitations, **103:49**  
Tort immunity, generally, **103:3**  
Trial, **103:58**  
Uninsured motorist claims, **103:46**  
Unprovoked physical aggression, **103:43**  
Unsafe workplace, **103:41**  
Vehicular negligence, coemployees, **103:11**  
Victim of crime, **103:48**  
Vocational trainers, **103:35**  
Willful conduct, **103:39, 103:40**

### THOROUGHFARES

Public thoroughfares, **111:8**

### TIME AND DATE

Generally, **104:2**  
Accidents and injuries, **107:3, 301:2, 301:3**  
Covered dependents, **107:3, 107:5**  
Disability, insurance coverage during, **202:52**  
Earnings, **201:5**  
Hearing, **301:9, 316:3**  
Jurisdiction, **313:5, 313:7**  
Limitations. **Time Limitations** (this index)  
Lost time, medical benefits, **202:39**  
Maximum disability period, **200:27**  
**Off-Duty Injuries** (this index)  
Payments, **205:17, 301:10**  
Presumptions and burden of proof, **305:21**

**TIME AND DATE—Cont'd**

Retaliation, untimeliness of notice or claim, **311:19**  
**Time Limitations** (this index)  
 Treatment, **202:42, 301:10**  
 Vocational rehabilitation, **203:5**  
 Waiting period, **200:45**

**TIME LIMITATIONS**

Generally, **104:5, 301:1 et seq.**  
 Accidents and injuries, **301:2, 301:3**  
 Administrative review, **310:2**  
 Claims, see lines throughout this topic  
 Cumulative trauma injury, **301:3.10**  
 Death claims, **301:6**  
 Disease claims, **301:4, 301:5**  
 Employer act or omission, **301:14, 301:15**  
 Equitable estoppel, **301:15.10**  
 Failure to prosecute, **301:8.10**  
 Good cause, **301:13**  
 Governing law, generally, **104:5**  
 Hearing, failure to request, **301:9**  
 Hearing loss, **301:5**  
 Incapacity, **301:11**  
 Injury claims, **301:3**  
 Jurisdiction, **313:5**  
 Minors, **301:7.1**  
 Notice of injury or disease, **301:2**  
 Omissions, **301:14, 301:15**  
 Other proceedings, **301:12**  
 Payment, **301:10**  
 Presumptions and burden of proof, **305:21**  
 Reasonable excuse, **301:13**  
 Records and reports, **301:8, 301:15**  
 Relation-back doctrine, **301:17**  
 Required filing, **301:8**  
 Special claims, **301:7**  
 Treatment, **301:10**  
 Waiver, **301:16**

**TINNITUS**

Diseases, **109:41**

**TIPS**

Generally, **201:30**

**TORT CHOICE OF LAW**

Generally, **104:30 to 104:32**

**TORTS**

Common-law tort actions, **311:2**  
 Construction and interpretation, replacement of tort system, **100:1**  
 Intentional torts, **102:13, 103:37, 103:38**

**TOTAL DISABILITY**

Permanent total disability, **200:19 to 200:21**  
 Temporary total disability, **200:8**

**TOXIC SUBSTANCES**

**Claim Investigations** (this index)

**TRADE REQUIREMENTS**

Covered employers, **105:5**

**TRAINING**

Compulsory coverage for trainees, **101:17**  
 Covered employees, **106:62**  
 Covered employers, **105:22**  
 Earnings of trainees, **201:16**  
 Off-duty injuries, after hours training, **112:35 to 112:37**  
 Vocational training, **103:35, 106:62**

**TRANSCRIPTS**

Admissibility of evidence, **306:4**

**TRANSFER JOBS**

Vocational rehabilitation, transfer to other suitable work, **203:7**

**TRANSPORTATION**

**Travel and Commuting** (this index)

**TRANSPORTATION EMPLOYMENT**

Covered employees and employers, **105:23, 106:37**

**TRAUMA**

Cumulative trauma injury, time limitations, **301:3.10**  
 Mental illness, **109:46**  
 Subsequent injuries, repetitive trauma, **116:6**

**TRAVEL AND COMMUTING**

Arrival at workplace, **111:10**  
 Carpools, **111:6**  
 Commercial travelers, **111:15**  
 Deviations, **111:19 to 111:22**  
 Dual purpose travel, **111:18**

## INDEX

### TRAVEL AND COMMUTING—Cont'd

- Earnings, **201:34**
- Employer-furnished hotel room, **111:3.1**
- Employer-furnished transportation, **111:2, 111:3**
- Employer ownership and control, **111:13**
- Employer-paid travel, **111:5**
- Employer-required transportation, **111:4**
- Employment connection, travel for compensation, **110:15.50**
- Expenses, medical benefits, **202:38**
- Flight attendants, **111:15.1**
- Going and coming rule, **111:1**
- Medical travel, **111:23**
- Motor Vehicles** (this index)
- Mutual benefit travel, **111:17**
- Off-duty injuries, travel to after hours training, **112:36**
- Parking lot injuries, **111:14**
- Police officers, **111:22**
- Premises rule, **111:11, 111:12**
- Public thoroughfares, **111:8**
- Re-entry, **111:20**
- Remote worksite, **111:3**
- Rideshares, **111:6**
- Road rage, **111:23.1**
- Route to worksite, **111:9**
- Sleep deprivation, **111:23.2**
- Special hazards, **111:7 to 111:9**
- Special missions or errands, **111:16**
- Subsequent injuries, traveling for treatment, **116:16**
- Substantial deviations, **111:21**
- Transportation** (this index)
- Zone of employment, **111:12**

### TREATISES

- Admissibility of evidence, **306:18**

### TREATMENT

- Accidents and injuries, generally, **108:15, 108:16**
- Cerebrovascular accidents and traumatic brain injury, **108:15.1**
- Compensation and benefits, **108:16**
- Medical examinations, interviews of treating physicians, **304:7**
- Necessary, requirement that treatment be, **202:5**
- Period of treatment, **202:42**

### TREATMENT—Cont'd

- Presumptions and burden of proof, **305:19**
- Refusal, **116:18, 202:48**
- Refusal of treatment, **202:48**
- Specialist treatment, **202:11**
- Spiritual treatment, **202:28**
- Subsequent injuries, **116:16, 116:18**
- Time limitations, **301:10**
- Traveling for treatment, **116:16**

### TRIAL

- Retaliation, **311:27**
- Third persons, remedies against, **103:58**

### TRUCKERS

- Covered employees, **106:60**

### TRUSTEES

- Church members and trustees as covered employees, **106:17.1**

### TRUSTS

- Payments, **205:12**

### TUBERCULOSIS

- Generally, **109:20**

### TUITION

- Earnings, **201:35.1**

### TWIN-TEST RULE

- Employment connection, **110:3**

### TWO-JOB WORKERS

- Earnings, **201:7**

### TWO-TIERED JUDICIAL REVIEW

- Generally, **315:4**

### UNCONTROVERTED OR CONTROVERTED CASES

- Costs, fees, and expenses, **317:4, 317:5**

### UNDISPUTED EVIDENCE

- Appeal and review, **315:8**

### UNDOCUMENTED WORKERS

- Retaliation, **311:8.1**

### UNEMPLOYMENT

- Compensation and benefits, generally, **200:35**
- Earnings, **201:20**

**UNFAIR COMPENSATION CLAIM  
PROCESSING**

Employers, remedies against, **102:29**

**UNFITNESS FOR WORK**

Retaliation, **311:14**

**UNINSURED MOTORIST  
COVERAGE**

Lien on, **206:16**

Third persons, remedies against, **103:46**

**UNINSURED SUBCONTRACTORS**

Compulsory and elective coverage,  
**101:20.10**

**UNIONS**

Earnings, **201:24**

Pickets, covered employees, **106:61**

Third persons, remedies against, **103:36**

**UNLICENSED CONTRACTORS**

Covered employees, **106:6.10**

**UNREPORTED WORK**

Misrepresentations, **115:9.4**

**UNSCHEDULED INJURIES**

Compensation and benefits, generally,  
**200:15 to 200:18**

**UNSUCCESSFUL CLAIMS**

Retaliation, **311:10**

**UNTIMELY APPEALS**

Jurisdiction, **313:7**

**UNUSUAL EXERTIONS**

Subsequent injuries, **116:6**

**USE, LOSS OF**

Compensation and benefits, generally,  
**200:11**

**UTILIZATION REVIEW**

Medical benefits, **202:50**

**VACATING WORK FORCE**

Employment connection, **110:15.1**

**VACATION PAY**

Generally, **201:28**

**VACCINATIONS**

Pre-employment, **304:1.1**

**VACCINE INJURY**

Covid-19, **109:65.50**

**VALIDITY**

Generally, **100:2**

Compulsory coverage, involuntary  
coverage rejections as invalid,  
**101:3**

Presumptions and burden of proof,  
validity of order or regulation,  
**305:28**

**VASCULAR INJURIES**

Diseases, **109:64**

**VEHICLES**

**Motor Vehicles** (this index)

**VEHICULAR NEGLIGENCE**

Third persons, remedies against,  
coemployees, **103:11**

**VENOUS STATUS**

Diseases, **109:60**

**VENUE**

Generally, **313:15**

Jurisdiction, **313:15**

References, **313:16**

**VETERANS**

Earnings, **201:18**

**VETERANS ADMINISTRATION**

Liens, **206:3**

Medical investigations, VA record  
requests, **319:10**

**VICTIMS**

Employers, remedies against, **102:33**

**VIDEOTAPES**

Admissibility of evidence, **306:7**

Deposition, **320:28**

**VIOLATION OF SPECIFIC SAFETY  
REQUIREMENT (VSSR)**

Generally, **115:14 to 115:17**

**VIOLENCE**

Stress from employer's conduct chal-  
lenging workers' compensation  
claim, **109:49**

**VIRGIN ISLAND WATERS**

Maritime injuries, **104:23**

## INDEX

### VISION

Partial loss of vision, **200:13**

### VOCATIONAL EVIDENCE

Admissibility of evidence, **306:24**

### VOCATIONAL REHABILITATION

Generally, **203:1 et seq.**

Benefits, **203:4**

Duration, **203:5**

Eligibility, **203:2**

Noncooperation, **203:6**

Plan, development of, **203:3**

Presumptions and burden of proof,  
**305:20**

Transfer to other suitable work, **203:7**

Voice recognition technology, **203:4.1**

### VOCATIONAL TRAINING

Generally, **103:35, 106:62**

### VOICE RECOGNITION TECHNOLOGY

Vocational rehabilitation, **203:4.1**

### VOLUNTARY AND INVOLUNTARY

**Compulsory Coverage** (this index)

**Elective Coverage** (this index)

### VOLUNTARY QUIT

Compensation and benefits, generally,  
**200:37**

### VOLUNTEERS

Activity garnering business, **110:15.3**

Compulsory coverage, **101:5, 101:6**

Covered employees, **106:63**

Firefighters, **101:5**

### WAGE-EARNING CAPACITY

**Earning Capacity** (this index)

### WAGES

**Earnings** (this index)

### WAITING PERIOD

Compensation and benefits, generally,  
**200:45**

### WAIVER AND ESTOPPEL

Administrative proceedings, **300:14 to  
300:16**

Collateral estoppel, **300:16**

Compensation agreements, **204:5**

### WAIVER AND ESTOPPEL—Cont'd

Employers, remedies against, waiver of  
right to workers' compensation,  
**102:8**

Res judicata, **300:15**

Retaliation, **311:17**

Time limitations, **301:16**

### WEAPONS

**Assault or Firearms** (this index)

### WEATHER INJURIES

Generally, **113:1 et seq.**

Act of God defense, **113:3**

Causation requirement, **113:2 to 113:4**

Positional risk theory, **113:4**

### WEIGHT AND SUFFICIENCY OF EVIDENCE

Generally, **307:1 et seq.**

Accidents, **307:5**

AMA guides, **307:13**

Attending physician, **307:23**

Back problems, **307:9**

Causation

Generally, **307:6 to 307:11**

Back problems, **307:9**

Death, **307:11**

Disease, **307:8**

Heart conditions, **307:10**

Preexisting conditions, **307:7**

Credibility determinations, **307:3**

Death, **307:11**

Dependency, **307:17**

Disability or impairment

Generally, **307:12 to 307:16**

AMA guides, **307:13**

Hearing loss, **307:15**

Mental illness, **307:16**

Odd-lot disability, **307:14**

Disease, **307:5, 307:8**

Earning capacity, **307:18**

Earnings, **307:18**

Expert evidence, **307:2**

Gradual onset of injuries, **307:7.1**

Hearing loss, **307:15**

Heart conditions, **307:10**

Injuries, **307:5**

Intoxication, **307:20**

Lay evidence, **307:2**

**WEIGHT AND SUFFICIENCY OF**

**EVIDENCE—Cont'd**

Legal and safety violations, **307:21**  
 Medical expenses, **307:19**  
 Medical records, **307:22**  
 Mental illness, **307:16**  
 Odd-lot disability, **307:14**  
 Preexisting conditions, **307:7**  
 References, **307:22**  
 Statute, applicability of, **307:4**

**WEIGHT-LOSS PROGRAMS**

Medical benefits, **202:30**

**WELFARE WORKERS**

Covered employees, **106:64**

**WHOLE PERSON IMPAIRMENT**

Degree of, generally, **200:18**

**WILLFUL CONDUCT OR  
MISCONDUCT**

Employee misconduct, **115:2, 115:7**  
 Employers, remedies against, **102:14**  
 Employment application, knowing and  
 willful misrepresentation on, **115:7**  
 Third persons, remedies against, **103:39,**  
**103:40**

**WITNESSES**

Testimony (this index)

**WORK CONNECTION**

Employment Connection (this index)

**WORK ENVIRONMENT SURVEY**

Claim investigations, **318:24**

**WORKER AND COMMUNITY  
RIGHT TO KNOW LAW**

Claim Investigations (this index)

**WORKFARE**

Earnings, **201:20**

**WORK-ORIGINATED INJURIES**

Off-duty injuries, **112:21**

**WORKPLACE**

Assault or firearms, dangerous job or  
 locale, **114:8**  
**Breaks** (this index)  
**Coming and Going** (this index)  
**Off-Duty Injuries** (this index)  
 Off-premises injuries, employment con-  
 nection, **110:10**  
**On-Premises Injuries** (this index)  
 Permanent total disability  
     Advances in technology, **200:21.4**  
 Premises liability, **102:23**  
 Premises rule, **111:11, 111:12**  
 Regularly working at or from  
     employer's place of business,  
     **104:11**  
 Safety, **102:20 to 102:22, 102:22.1,**  
     **103:41**  
**Travel and Commuting** (this index)

**WORK-RELATION**

Employment Connection (this index)

**WORK SEARCH**

Presumptions and burden of proof,  
**305:24**

**WORKSITE**

Workplace (this index)

**WORTHLESS CLAIMS**

Attorneys' fees, **317:3.1**

**WRITTEN TESTIMONY**

Hearing, **308:17**

**WRONGFUL DISCHARGE**

Checklist, **318:2**  
 Claim investigations, criminal sanctions  
     against employer for wrongful dis-  
     charge, **318:2**  
 Employers, remedies against, **102:32**

**YOUTHFUL WORKERS**

Earnings, **201:16**

**ZONE OF EMPLOYMENT**

Travel and commuting, **111:12**