



OFFICE OF THE GOVERNOR

SEP 28 2021

To The Members of the California State Senate:

I am returning Senate Bill 788 without my signature.

This bill would preclude a physician from using certain characteristics as the basis for apportionment of permanent disability.

Current law states that physicians shall not apportion the percentage of permanent disability awarded based on the gender, race, or other personal characteristic of the employee and provides protection from the inappropriate application of apportionment law. Instead, physicians are required to apportion the disability award based solely upon the employee's own medical history and medical evidence.

While I support efforts to combat bias within the medical profession, this bill creates confusion with well-settled law, which is likely to result in increased litigation and subsequent delays to much-needed benefits to workers. Ongoing efforts by the Division of Workers' Compensation to implement mandatory continuing education of medical-legal evaluators related to current anti-bias laws and apportionment training is better suited to achieve the intent of this bill.

Sincerely,


Gavin Newsom

