

BILL ANALYSIS

Senate Research Center
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H.B. 4524
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With respect to workers' compensation benefits, an impairment rating is a percentage estimate of the amount of normal use that an individual's injured body parts have lost. Under current law, a medical examination to assign an impairment rating may not be conducted remotely.

In light of the COVID-19 pandemic in which many patients were unable to physically attend doctors' appointments and given the additional costs associated with in-person visits, it has been suggested that Texans should have the option to obtain a medical examination to certify their maximum medical improvement or assign to them an impairment rating using telehealth services or telemedicine medical services.

H.B. 4524:

- Amends the Labor Code to authorize a medical examination conducted to certify an employee's maximum medical improvement, or assign an impairment rating for purposes of workers' compensation benefits, to be performed using telehealth services or telemedicine medical services.
- Requires a health care professional to be physically present in the room in which the employee is located to assist the certifying doctor in conducting the examination and administering any necessary testing, unless the doctor determines that there is no impairment to the patient.

H.B. 4524 amends current law relating to conducting certain medical examinations using telemedicine under the workers' compensation system.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of worker's compensation in SECTION 1 (Section 408.0041, Labor Code) and SECTION 2 (Section 408.1231, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 408.0041, Labor Code, by adding Subsection (d-1), as follows:

(d-1) Defines "telehealth services" and "telemedicine medical services." Authorizes the commissioner of workers' compensation (commissioner) to order an examination under Section 480.0041 (Designated Doctor Examination) to be conducted using telehealth services or telemedicine medical services if the commissioner determines conducting the examination in that manner is necessary to ensure access to a timely examination by a qualified doctor. Requires a health care professional to be physically present in the room in which the employee is located to assist in conducting the examination and administering any necessary testing during an examination conducted using telehealth services or telemedicine medical services under this subsection. Authorizes the commissioner to adopt rules related to examinations performed using telehealth services or telemedicine medical services under this subsection.

SECTION 2. Amends Subchapter G, Chapter 408, Labor Code, by adding Section 408.1231, as follows:

Sec. 408.1231. CONDUCTING CERTAIN MEDICAL EXAMINATIONS USING TELEHEALTH SERVICES OR TELEMEDICINE MEDICAL SERVICES. (a) Defines "telehealth services" and "telemedicine medical services."

(b) Authorizes the employee's treating doctor or another doctor authorized by the division of workers' compensation to certify maximum medical improvement or assign an impairment rating under Section 408.123 (Certification of Maximum Medical Improvement; Evaluation of Impairment Rating) to certify maximum medical improvement or assign an impairment rating during a medical examination performed by the doctor using telehealth services or telemedicine medical services if:

(1) the examination is of a musculoskeletal injury or diagnosis involving:

(A) the hand or upper extremities;

(B) the foot, including toes and heel; or

(C) the spine and musculoskeletal structures of the torso; or

(2) the commissioner determines there is good cause to conduct the examination using telehealth services or telemedicine medical services.

(c) Requires a health care professional, during an examination conducted using telehealth services or telemedicine medical services under Subsection (b), to be physically present in the room in which the employee is located to assist in conducting the examination and administering any necessary testing unless a doctor:

(1) determined that the employee is not at maximum medical improvement; or

(2) certified maximum medical improvement during an examination and based on the examination concluded there was no possibility of impairment.

(d) Requires the commissioner to adopt rules necessary to implement this section.

SECTION 3. Makes application of Section 408.0041, Labor Code, as amended by this Act, prospective.

SECTION 3. Effective date: January 1, 2024.