

BILL ANALYSIS

C.S.H.B. 3098
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 these 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. C.S.H.B. 3098 seeks to provide this option.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3098 amends the Labor Code to authorize a medical examination conducted to certify an employee's maximum medical improvement or assign an impairment rating for purpose of workers' compensation benefits to be performed using telehealth services or telemedicine medical services. The bill 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.

C.S.H.B. 3098 defines "health care professional" as an individual licensed, certified, or otherwise authorized to administer health care, for profit or otherwise, in the ordinary course of business or professional practice.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3098 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision not included in the original that requires a health care professional to be physically present in the room in which the employee is located during an examination held remotely.