

By: Cason, Lopez, et al.

H.B. No. 3098

A BILL TO BE ENTITLED

AN ACT

1
2 relating to conducting certain medical examinations using
3 telemedicine under the workers' compensation system.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 408.123, Labor Code, is amended by
6 adding Subsection (i) to read as follows:

7 (i) A medical examination conducted to certify maximum
8 medical improvement or assign an impairment rating may be performed
9 using telehealth services or telemedicine medical services, as
10 defined by Section 111.001, Occupations Code. A health care
11 professional must be physically present in the room in which the
12 employee is located to assist the certifying doctor in conducting
13 the examination and administering any necessary testing. For
14 purposes of this subsection, "health care professional" means an
15 individual licensed, certified, or otherwise authorized to
16 administer health care, for profit or otherwise, in the ordinary
17 course of business or professional practice.

18 SECTION 2. Section 408.123(i), Labor Code, as added by this
19 Act, applies only to a medical examination to certify an employee's
20 maximum medical improvement or assign an employee's impairment
21 rating conducted on or after the effective date of this Act. A
22 medical examination conducted before the effective date of this Act
23 is governed by the law in effect on the date the examination was
24 conducted, and the former law is continued in effect for that

1 purpose.

2 SECTION 3. This Act takes effect September 1, 2021.