

By: Cason, Lopez, et al.

H.B. No. 3098

Substitute the following for H.B. No. 3098:

By: Turner of Tarrant

C.S.H.B. No. 3098

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

1 purpose.

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