

By: Guillen

H.B. No. 3818

A BILL TO BE ENTITLED

1 AN ACT
2 relating to payments associated with certain medical examinations
3 under the workers' compensation system; imposing a fee.

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

5 SECTION 1. Section 408.0041(h), Labor Code, is amended to
6 read as follows:

7 (h) In accordance with the adjusted payment amounts
8 prescribed by the commissioner under Section 408.00411, the [The]
9 insurance carrier shall pay ~~[for]~~:

10 (1) for:

11 (A) an examination required under Subsection
12 (a), (f), or (f-2), unless otherwise prohibited by this subtitle or
13 by an order or rule of the commissioner; and

14 (B) ~~[(2)]~~ the reasonable expenses incident to
15 the employee in submitting to the examination; or

16 (2) if an employee fails or refuses to appear at the
17 time and place scheduled for an examination under Subsection (a) or
18 (f), a fee set by the commissioner in an amount not less than \$100,
19 to the designated doctor or doctor selected by the insurance
20 carrier, as applicable.

21 SECTION 2. Subchapter A, Chapter 408, Labor Code, is
22 amended by adding Section 408.00411 to read as follows:

23 Sec. 408.00411. ADJUSTMENT OF CERTAIN EXAMINATION FEES AND
24 EXAMINATION NO-SHOW FEES. (a) Not later than January 31 of each

1 even-numbered year beginning 2024, the commissioner shall adjust
2 for inflation in accordance with Subsection (b) the amounts
3 required to be paid by an insurance carrier:

4 (1) for a medical examination under Section
5 408.0041(a), (f), or (f-2); and

6 (2) as a fee under Section 408.0041(h)(2) for the
7 failure or refusal of an employee to appear at the time and place
8 scheduled for a medical examination to which that subdivision
9 applies.

10 (b) The commissioner shall compute the amount of an
11 adjustment under Subsection (a) based on the percentage increase,
12 if any, in the Medicare Economic Index for the preceding 24-month
13 period ending January 1.

14 (c) An adjustment under this section takes effect beginning
15 March 1 of the year of the adjustment.

16 (d) Not later than January 31, 2022, the commissioner shall
17 adjust for inflation in accordance with this subsection the amounts
18 required to be paid by an insurance carrier for a medical
19 examination under Section 408.0041(a), (f), or (f-2). The
20 commissioner shall compute the amount of the adjustment based on
21 the percentage increase, if any, in the Medicare Economic Index for
22 the period beginning on the date that the fee was last set or
23 adjusted by the commissioner and ending January 1, 2022. This
24 subsection expires January 1, 2023.

25 SECTION 3. Not later than January 31, 2022, the
26 commissioner of workers' compensation shall set the initial amount
27 of the fee under Section 408.0041(h)(2), Labor Code, as added by

1 this Act.

2 SECTION 4. Not later than January 31, 2024, the
3 commissioner of workers' compensation shall make the initial
4 adjustment to the fee under Section 408.0041(h)(2), Labor Code, as
5 added by this Act, in accordance with Section 408.00411, Labor
6 Code, as added by this Act.

7 SECTION 5. The changes in law made by this Act to Section
8 408.0041, Labor Code, apply only to a medical examination that
9 occurs or is scheduled to occur, as applicable, on or after March 1,
10 2022. A medical examination that occurs or is scheduled to occur,
11 as applicable, before that date is governed by the law as it existed
12 immediately before the effective date of this Act, and the former
13 law is continued in effect for that purpose.

14 SECTION 6. This Act takes effect September 1, 2021.