

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 scheduled for an examination under Subsection (a) or (f), a fee
18 set by the commissioner in an amount not less than \$100, to the
19 designated doctor or doctor selected by the insurance carrier, as
20 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, the commissioner shall adjust for inflation in
2 accordance with Subsection (b) the amounts required to be paid by an
3 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 scheduled
8 for a medical examination to which that subdivision applies.

9 (b) The commissioner shall compute the amount of an
10 adjustment under Subsection (a) based on the percentage increase,
11 if any, in the consumer price index for this state published by the
12 Bureau of Labor Statistics of the United States Department of Labor
13 for the preceding 24-month period ending January 1.

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

16 SECTION 3. Not later than January 31, 2022, the
17 commissioner of workers' compensation shall:

18 (1) set the initial amount of the fee under Section
19 408.0041(h)(2), Labor Code, as added by this Act; and

20 (2) make the initial adjustment to the amounts
21 required to be paid for a medical examination under Section
22 408.0041(a), (f), or (f-2), Labor Code, in accordance with Section
23 408.00411, Labor Code, as added by this Act.

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

1 Code, as added by this Act.

2 SECTION 5. The changes in law made by this Act to Section
3 408.0041, Labor Code, apply only to a medical examination that
4 occurs or is scheduled to occur, as applicable, on or after March 1,
5 2022. A medical examination that occurs or is scheduled to occur,
6 as applicable, before that date is governed by the law as it existed
7 immediately before the effective date of this Act, and the former
8 law is continued in effect for that purpose.

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