88R10077 RDS-F

By:  Menéndez S.B. No. 1793

A BILL TO BE ENTITLED

AN ACT

relating to payments associated with certain medical examinations under the workers' compensation system; imposing a fee.

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

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

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

(1)  for:

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

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

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

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

Sec. 408.00411.  ADJUSTMENT OF CERTAIN EXAMINATION FEES AND EXAMINATION NO-SHOW FEES. (a) Not later than January 31 of each even-numbered year beginning 2026, the commissioner shall adjust for inflation in accordance with Subsection (b) the amounts required to be paid by an insurance carrier:

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

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

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

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

(d)  Not later than January 31, 2024, the commissioner shall adjust for inflation in accordance with this subsection the amounts required to be paid by an insurance carrier for a medical examination under Section 408.0041(a), (f), or (f-2). The commissioner shall compute the amount of the adjustment based on the percentage increase, if any, in the Medicare Economic Index for the period beginning on the date that the fee was last set or adjusted by the commissioner and ending January 1, 2024. This subsection expires January 1, 2025.

SECTION 3.  Not later than January 31, 2024, the commissioner of workers' compensation shall set the initial amount of the fee under Section 408.0041(h)(2), Labor Code, as added by this Act.

SECTION 4.  Not later than January 31, 2026, the commissioner of workers' compensation shall make the initial adjustment to the fee under Section 408.0041(h)(2), Labor Code, as added by this Act, in accordance with Section 408.00411, Labor Code, as added by this Act.

SECTION 5.  The changes in law made by this Act to Section 408.0041, Labor Code, apply only to a medical examination that occurs or is scheduled to occur, as applicable, on or after March 1, 2024. A medical examination that occurs or is scheduled to occur, as applicable, before that date is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6.  This Act takes effect September 1, 2023.