

By: Guillen

H.B. No. 2702

Substitute the following for H.B. No. 2702:

By: Neave Criado

C.S.H.B. No. 2702

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) without good cause as determined by the commissioner, a fee set
19 by the commissioner in an amount not less than \$100 to the
20 designated doctor or doctor selected by the insurance carrier, as
21 applicable.

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

24 Sec. 408.00411. ADJUSTMENT OF CERTAIN EXAMINATION FEES AND

1 EXAMINATION NO-SHOW FEES. (a) Not later than January 31 of each
2 year beginning with the year 2025, the commissioner shall adjust
3 for inflation, in accordance with rules adopted under Subsection
4 (b), the amounts required to be paid by an insurance carrier:

5 (1) for a medical examination conducted under Section
6 408.004 or 408.0041(a), (f), or (f-2);

7 (2) for a medical examination conducted to determine
8 or resolve any question about:

9 (A) the impairment caused by the compensable
10 injury; or

11 (B) the attainment of maximum medical
12 improvement; and

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

17 (b) Subject to Section 413.011, the commissioner shall
18 adopt rules as necessary to implement this section, including rules
19 providing for the computation of the amount of an adjustment under
20 Subsection (a), which may provide for determining the amount of the
21 adjustment using the Medicare Economic Index.

22 (c) Notwithstanding any other provision of this section,
23 not later than January 31, 2024, the commissioner shall adjust for
24 inflation, in accordance with this subsection, the amounts required
25 to be paid by an insurance carrier for a medical examination
26 described by Subsection (a)(1) or (2). The commissioner shall
27 compute the amount of the adjustment based on the percentage

1 increase, if any, in the Medicare Economic Index for the period
2 beginning on the date that the fee was last set or adjusted by the
3 commissioner and ending January 1, 2024. This subsection expires
4 January 1, 2025.

5 SECTION 3. Not later than April 1, 2024, the commissioner of
6 workers' compensation shall set the initial amount of the fee under
7 Section 408.0041(h)(2), Labor Code, as added by this Act.

8 SECTION 4. Not later than April 1, 2024, the commissioner of
9 workers' compensation shall adopt rules to implement Section
10 408.00411, Labor Code, as added by this Act.

11 SECTION 5. The changes in law made by this Act to Section
12 408.0041, Labor Code, apply only to a medical examination that
13 occurs or is scheduled to occur, as applicable, on or after March 1,
14 2024. A medical examination that occurs or is scheduled to occur,
15 as applicable, before that date is governed by the law as it existed
16 immediately before the effective date of this Act, and the former
17 law is continued in effect for that purpose.

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