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H.B. No. 4524

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 408.0041, Labor Code, is amended by  
adding Subsection (d-1) to read as follows:

(d-1) In this subsection, "telehealth services" and  
"telemedicine medical services" have the meanings assigned by  
Section 111.001, Occupations Code. The commissioner may order an  
examination under this section to be conducted using telehealth  
services or telemedicine medical services if the commissioner  
determines conducting the examination in that manner is necessary  
to ensure access to a timely examination by a qualified doctor.  
During an examination conducted using telehealth services or  
telemedicine medical services under this subsection, a health care  
professional must be physically present in the room in which the  
employee is located to assist in conducting the examination and  
administering any necessary testing. The commissioner may adopt  
rules related to examinations performed using telehealth services  
or telemedicine medical services under this subsection.

SECTION 2. Subchapter G, Chapter 408, Labor Code, is  
amended by adding Section 408.1231 to read as follows:

Sec. 408.1231. CONDUCTING CERTAIN MEDICAL EXAMINATIONS  
USING TELEHEALTH SERVICES OR TELEMEDICINE MEDICAL SERVICES. (a)

In this section, "telehealth services" and "telemedicine medical services" have the meanings assigned by Section 111.001, Occupations Code.

(b) The employee's treating doctor or another doctor authorized by the division to certify maximum medical improvement or assign an impairment rating under Section 408.123 may certify maximum medical improvement or assign an impairment rating during a medical examination performed by the doctor using telehealth services or telemedicine medical services if:

(1) the examination is of a musculoskeletal injury or diagnosis involving:

(A) the hand or upper extremities;

(B) the foot, including toes and heel; or

(C) the spine and musculoskeletal structures of the torso; or

(2) the commissioner determines there is good cause to conduct the examination using telehealth services or telemedicine medical services.

(c) During an examination conducted using telehealth services or telemedicine medical services under Subsection (b), a health care professional must be physically present in the room in which the employee is located to assist in conducting the examination and administering any necessary testing unless a doctor:

(1) determined that the employee is not at maximum medical improvement; or

(2) certified maximum medical improvement during an

1 examination and based on the examination concluded there was no  
2 possibility of impairment.

3 (d) The commissioner shall adopt rules necessary to  
4 implement this section.

5 SECTION 3. Section 408.0041, Labor Code, as amended by this  
6 Act, and Section 408.1231, Labor Code, as added by this Act, apply  
7 only to a medical examination conducted on or after the effective  
8 date of this Act. A medical examination conducted before that date  
9 is governed by the law in effect on the date the examination was  
10 conducted, and the former law is continued in effect for that  
11 purpose.

12 SECTION 4. This Act takes effect January 1, 2024.