

1-1 By: Bhojani, et al. (Senate Sponsor - Hall) H.B. No. 4524
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 11, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 22, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-6 May 22, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4524 By: King

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to conducting certain medical examinations using
 1-24 telemedicine under the workers' compensation system.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 408.0041, Labor Code, is amended by
 1-27 adding Subsection (d-1) to read as follows:

1-28 (d-1) In this subsection, "telehealth services" and
 1-29 "telemedicine medical services" have the meanings assigned by
 1-30 Section 111.001, Occupations Code. The commissioner may order an
 1-31 examination under this section to be conducted using telehealth
 1-32 services or telemedicine medical services if the commissioner
 1-33 determines conducting the examination in that manner is necessary
 1-34 to ensure access to a timely examination by a qualified doctor and
 1-35 the employee consents to the use of telehealth services or
 1-36 telemedicine medical services in conducting the examination.
 1-37 During an examination conducted using telehealth services or
 1-38 telemedicine medical services under this subsection, a health care
 1-39 practitioner must be physically present in the room in which the
 1-40 employee is located to assist in conducting the examination and
 1-41 administering any necessary testing. The commissioner may adopt
 1-42 rules related to examinations performed using telehealth services
 1-43 or telemedicine medical services under this subsection.

1-44 SECTION 2. Subchapter G, Chapter 408, Labor Code, is
 1-45 amended by adding Section 408.1231 to read as follows:

1-46 Sec. 408.1231. CONDUCTING CERTAIN MEDICAL EXAMINATIONS
 1-47 USING TELEHEALTH SERVICES OR TELEMEDICINE MEDICAL SERVICES. (a)
 1-48 In this section, "telehealth services" and "telemedicine medical
 1-49 services" have the meanings assigned by Section 111.001,
 1-50 Occupations Code.

1-51 (b) The employee's treating doctor or another doctor
 1-52 authorized by the division to certify maximum medical improvement
 1-53 or assign an impairment rating under Section 408.123 may certify
 1-54 maximum medical improvement or assign an impairment rating during a
 1-55 medical examination performed by the doctor using telehealth
 1-56 services or telemedicine medical services if:

1-57 (1) the employee consents to the use of telehealth
 1-58 services or telemedicine medical services in conducting the
 1-59 examination; and

1-60 (2) either:

2-1 (A) the examination is of a musculoskeletal
2-2 injury or diagnosis involving:

2-3 (i) the hand or upper extremities;

2-4 (ii) the foot, including toes and heel; or

2-5 (ii) the spine and musculoskeletal
2-6 structures of the torso; or

2-7 (B) the commissioner determines there is good
2-8 cause to conduct the examination using telehealth services or
2-9 telemedicine medical services.

2-10 (c) During an examination conducted using telehealth
2-11 services or telemedicine medical services under Subsection (b), a
2-12 health care practitioner must be physically present in the room in
2-13 which the employee is located to assist in conducting the
2-14 examination and administering any necessary testing unless a
2-15 doctor:

2-16 (1) determined that the employee is not at maximum
2-17 medical improvement; or

2-18 (2) certified maximum medical improvement during an
2-19 examination and based on the examination concluded there was no
2-20 possibility of impairment.

2-21 (d) The commissioner shall adopt rules necessary to
2-22 implement this section.

2-23 SECTION 3. Section 408.0041, Labor Code, as amended by this
2-24 Act, and Section 408.1231, Labor Code, as added by this Act, apply
2-25 only to a medical examination conducted on or after the effective
2-26 date of this Act. A medical examination conducted before that date
2-27 is governed by the law in effect on the date the examination was
2-28 conducted, and the former law is continued in effect for that
2-29 purpose.

2-30 SECTION 4. This Act takes effect March 1, 2024.

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