

By: Hall

S.B. No. 2174

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 408.123, Labor Code, is amended by adding
Subsections (i) and (j) to read as follows:

(i) A medical examination conducted to certify maximum
medical improvement or assign an impairment rating may be performed
using telehealth services or telemedicine medical services, as
defined by Section 111.001, Occupations Code. Except as provided
by Subsection (j), a health care professional must be physically
present in the room in which the employee is located to assist the
certifying doctor in conducting the examination and administering
any necessary testing. For purposes of this subsection, "health
care professional" means an individual licensed, certified, or
otherwise authorized to administer health care, for profit or
otherwise, in the ordinary course of business or professional
practice.

(j) A health care professional is not required to be
physically present in the room in which the patient is located
during a medical examination performed using telehealth services or
telemedicine medical services as provided by Subsection (i) that is
conducted to assign an impairment rating if:

(1) a doctor certified maximum medical improvement

1 during an examination; and

2 (2) based on the examination described by Subdivision
3 (1), the doctor concluded there was no possibility of impairment.

4 SECTION 2. Sections 408.123(i) and (j), Labor Code, as
5 added by this Act, apply only to a medical examination to certify an
6 employee's maximum medical improvement or assign an employee's
7 impairment rating conducted on or after the effective date of this
8 Act. A medical examination conducted before the effective date of
9 this Act is governed by the law in effect on the date the
10 examination was conducted, and the former law is continued in
11 effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2023.