



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation

7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645

(512) 804-4000 | F: (512) 804-4001 | (800) 252-7031 | TDI.texas.gov | @TexasDWC

To: Workers' Compensation System Participants

From: Cassie Brown, Commissioner of Workers' Compensation

Date: April 29, 2020

RE: Maximum medical improvement (MMI) and impairment rating (IR) evaluations are not permitted through telemedicine

The Division of Workers' Compensation (DWC) reminds system participants that doctors are not allowed to bill and be reimbursed for MMI and IR evaluations conducted through telemedicine or telehealth. The billing codes for MMI and IR evaluations (99455 and 99456) are not included in the Centers for Medicare and Medicaid Services (CMS) list of telemedicine or telehealth services. DWC adopted by reference the CMS list of telemedicine and telehealth services in 28 Texas Administrative Code (TAC) Sections [133.30](#) and [134.203](#). Doctors who contract with certified health care networks under Insurance Code Chapter [1305](#) or perform services on a network claim through an out-of-network referral must also comply with DWC rules on billing and reimbursement.

Doctors or other health care providers who violate these rules may commit an administrative violation and jeopardize their DWC certifications to provide these evaluations. Certified health care networks and insurance carriers that facilitate the billing of MMI and IR evaluations through telemedicine or telehealth under contracts or other agreements may also commit an administrative violation.

On March 27, 2020, DWC ceased ordering and suspended designated doctor exams, required medical exams, and referral exams that were already ordered for the duration of the governor's COVID-19 declaration or until further notice from DWC. DWC has not suspended the ability of treating doctors or referral doctors to perform MMI or IR examinations in person.

When conducting MMI and IR evaluations, doctors must comply with DWC rules, including:

- 28 TAC Section [127.200](#), which requires designated doctors to be physically present in the room with the injured employee for examinations, including MMI and IR evaluations;

- 28 TAC Sections [130.1](#) and [130.3](#), which state that only doctors authorized by DWC can certify MMI and IR for an injured employee, and the certifying doctor must complete a DWC Form-069, *Report of Medical Evaluation* and a narrative report;
- 28 TAC Section [130.2](#), which requires a certifying treating doctor or referral doctor to provide an injured employee with a notice at the end of the examination that the doctor's MMI or IR certification may become final if not disputed in 90 days; and
- 28 TAC Sections [134.210](#) and [134.250](#), which list the billing codes and modifiers for MMI and IR evaluations.

For more information about DWC's telemedicine requirements for workers' compensation, see <https://www.tdi.texas.gov/wc/hcprovider/telemed.html>. If you have any questions about this memo, contact CompConnection at 800-252-7031, Option 3, or email compconnection@tdi.texas.gov.