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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [December 3, 2024](#)

Subject: Proposed rule to allow treating doctors to perform maximum medical improvement examinations by telemedicine or telehealth

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is accepting public comments on a proposed rule amending 28 Texas Administrative Code Section [133.30](#), concerning telemedicine, telehealth, and teledentistry services.

The amendments are necessary to allow treating doctors to perform maximum medical improvement (MMI) examinations by telemedicine or telehealth when there is no impairment. The amendments:

- Modify the definition of "telemedicine services" and "telehealth services" to include an examination by a treating doctor to certify MMI under 28 TAC Sections [130.1](#) and [130.2](#), concerning certification of MMI and evaluation of permanent impairment when:
  - The injured employee has been examined by the treating doctor for the condition in question at least once before the examination to certify MMI;
  - The injured employee has consented to the examination to certify MMI by telemedicine or telehealth; and
  - The condition in question qualifies as a minor injury, such as Section [130.2\(a\)\(2\)](#) contemplates, requires no additional treatment, and has resulted in no impairment.
- Clarify that the billing requirements in 28 TAC Section [134.250](#), concerning MMI evaluations and impairment rating examinations by treating doctors, apply.
- Do not include impairment rating examinations under 28 TAC Section [130.1](#) in the definition of telemedicine and telehealth.

The proposed rule will be published in the December 6, 2024, issue of the *Texas Register* and available at [www.sos.state.tx.us/texreg/index.shtml](http://www.sos.state.tx.us/texreg/index.shtml) once published. We will also post

a copy of the proposed rule on the website at [www.tdi.texas.gov/wc/rules/2024rules.html](http://www.tdi.texas.gov/wc/rules/2024rules.html). We will hold a public hearing on the proposed rule at 10 a.m., Central time, on January 8, 2025.

Submit any written comments on the proposed rule to [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov), or mail or deliver your comments to:

Legal Services, MC-LS  
Texas Department of Insurance, Division of Workers' Compensation  
P.O. Box 12050  
Austin, Texas 78711-2050

The deadline to submit all comments is 5 p.m., Central time, on January 13, 2025.