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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [July 15, 2024](#)

Subject: Opportunity to comment on informal draft rule text to allow treating doctors to perform maximum medical improvement (MMI) examinations by telemedicine

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is accepting public comments on an informal draft of rule text that would amend 28 Texas Administrative Code (TAC) Section [133.30](#), concerning telemedicine, telehealth, and teledentistry services.

The amendments are necessary to allow treating doctors to perform MMI examinations by telemedicine. For example, when a treating doctor treats and releases an injured employee for a minor injury, and does not anticipate that the injured employee will need additional treatment, the treating doctor may use telemedicine to determine that the injured employee has reached MMI but has no permanent impairment. The amendments:

- Modify the definition of "telemedicine 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.
- Clarify that the billing requirements in 28 TAC Section [134.250](#), concerning MMI evaluations and impairment rating (IR) examinations by treating doctors, apply.
- Do not include IR examinations under 28 TAC Section [130.1](#) in the definition of telemedicine.

Submit any written comments on the informal draft rule text to RuleComments@tdi.texas.gov, or mail or deliver your comments to:

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

The deadline to submit all comments is 5 p.m., Central time, on August 12, 2024.