



Physicians Caring for Texans

House Insurance Committee
Testimony by Ezequiel “Zeke” Silva III, MD, Texas Medical Association
House Bill 3195 (Anti-Retaliation) by Rep. Greg Bonnen
April 11, 2023

Thank you, Chairman Oliverson, Vice-Chair Johnson, and committee members, for allowing me to testify today. My name is Dr. Zeke Silva, I am an interventional radiologist in San Antonio, testifying on behalf of myself and TMA and its more than 57,000 members, in support of House Bill 3195.

An unfortunate reality when it comes to insurance regulations is that physicians can often be afraid to file complaints with the Texas Department of Insurance (TDI) due to a fear of retaliation by a health plan.

Health plans can have a significant impact on the livelihoods of Texas physicians. Physicians prefer to be in network, as in-network status is beneficial to our patients and gives the physician certain benefits, like steerage and prompt payment.

The threat of a health plan removing a physician from the plan’s network and/or a plan imposing a disadvantage in a contract negotiation are real concerns, and physicians do not want to face them. Thus, we often hear physicians are deterred from reporting bad health plan conduct to agencies like TDI.

Current Texas law contains language designed to prohibit an insurer from taking retaliatory action against a physician when the physician reasonably files a complaint against the insurer. That language needs strengthening, however. HB 3195 would strengthen current law by expressly prohibiting more types of health plan retaliatory actions, including the retaliatory actions of implementing measurable penalties in the contract negotiation process and engaging in unfair or deceptive contract negotiation practices.

The clarifying amendments in this bill are a necessary step to protect physicians and other health care providers who seek to reasonably file complaints against insurers.

Additionally, we appreciate HB 3195's efforts to address existing prompt-payment loopholes. Again, payment received through our contractual agreements is the livelihood of our practices.

Thank you, Mr. Chairman and committee members, for allowing me to testify today in support of House Bill 3195. I appreciate your work. I am happy to answer any questions.