



Physicians Caring for Texans

House Insurance Committee
Testimony by Elisabeth Potter, MD, Texas Medical Association
House Bill 3359 (Transparency in Network Adequacy) 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. Elisabeth Potter, and I am an Austin plastic surgeon, testifying on behalf of TMA and its more than 57,000 members in support of House Bill 3359.

TMA's mission reads, "TMA stands up for Texas physicians by providing distinctive solutions to the challenges they encounter in the care of patients." That last part, in the care of patients, is perhaps the most important part. Our responsibility to our patients is sacred and our priority is to put the health and safety of our patients above all. House Bill 3359 does exactly that by delivering a number of critical patient protections and enhancing transparency.

First, House Bill 3359 protects patients by requiring the health plans they or their employers purchase clearly state if any waivers are in place for that plan. Patients deserve to know if their health plan is covered by an adequate or an inadequate network of physicians and health care providers.

Second, the bill ensures the money patients spend on health care for services covered by their health insurance is appropriately credited to their in-network out-of-pocket maximums. Additionally, the bill distinguishes there can only be one out-of-pocket maximum for covered services and that it be set at a reasonable level. These provisions add a level of certainty for patients in terms of their financial obligation and protect them from surprise medical expenses.

Third, the bill makes changes to the definition of emergency post-stabilization. This is an important change to clarify that these instances of care are captured by our state surprise billing law, which holds patients harmless from surprise medical bills.

Fourth, House Bill 3359 increases transparency by adding that annual network reports to the Texas Department of Insurance include information on waivers requested and granted

for each health plan as well as any enforcement action taken by the department. Making this information publicly available serves to better inform patients and patient advocates as to the value of their health plans.

Again, thank you Mr. Chairman and committee members for allowing me to testify today in support of House Bill 3359. I appreciate your work to improve transparency in health care and to put patient health and safety above all. I am happy to answer any questions.