

TAHP Opposes HB 3985 Erodes the Texas Patient Protection Act



HB 3985 Creates More Problems than it Solves

- **Not a Medicaid Protection:** This bill does not address Medicaid patients, and instead erodes a long-standing decades old statute in the private health Insurance Code known as the Texas Patient Protection Act, which makes sure patients can keep getting care when a physician leaves the private health insurance network.
- In private health insurance, specialty providers are specialty physicians, like a cardiologist or OB/GYN. Durable medical equipment suppliers are not speciality providers and should not be considered speciality providers.
- This bill is a misplaced attempt to alter the definition of specialty provider in Medicaid to include durable medical equipment suppliers. That could create a new payment mandate for any and every medical equipment supplier, some of whom have a history of fraud and outrageous prices.
- HB 3985 does not have an impact on the state's Medicaid program, even though this was identified as the purpose in the hearing. Instead it creates a new mandate in private health insurance.

HB 3985 is Unnecessary

- **All Texas private health insurers are already required to provide continuity of care for patients.**
- **While this bill doesn't apply to Medicaid,** the last two sessions, the Texas Legislature has strengthened continuity of care in Medicaid managed care to ensure families can access the care their children need.
- **While this bill doesn't apply to Medicaid,** children with complex medical needs can already access their existing specialty physician when they enroll in managed care, even if it is out-of-network for the managed care plan.
- **While this bill doesn't apply to Medicaid,** managed care organizations are responsible for developing a single-case agreement with the specialty physician to bring them in-network.