[House Bill 3459](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB03459F.pdf) passed by Rep. Greg Bonnen, MD (R-Friendswood) during the 87th Legislature in 2021 was designed to all allow physicians to earn a “gold card” out of the prior authorization process for certain services if they had at least 90 percent of their preauthorization requests approved by the insurer in the preceding six-month evaluation period. It also required utilization reviews to be conducted by a Texas-licensed physician in the same or similar specialty as the patient’s physician.

While the legislation had strong support of the physician community the intended results for the most part have yet to materialize for physician practices. Most doctors are not able to qualify for gold card status because the rules designed by the Texas Department of Insurance make it difficult to meet the required minimum number of services of five per service per health plan issuer.

Since HB 3459 went into effect, some physicians seeking to earn exemptions under the law have reported that parts of the process are confusing and overly burdensome. Furthermore, some physicians report there are inconsistencies between insurers and a lack of transparency regarding compliance with the law. Consequently, many physicians say the time and effort required to obtain an exemption is not worth the benefit. Physicians employed by health insurance companies as utilization review agents are authorized to make medical decisions without the same oversight offered to doctors practicing medicine.

In the 88th Legislature, which ended in May, [HB 4343](https://capitol.texas.gov/tlodocs/88R/billtext/pdf/HB04343H.pdf) was filed by Rep. Bonnen to address these issues and improve the process by adding clarity to the process and aligning the implemented rules with the intent of the previously passed legislation, including eliminating the requirement regarding the minimum number of services.

TSGE joined with a number of other physician organizations in [registering support](https://capitol.texas.gov/tlodocs/88R/witlistbill/pdf/HB04343H.pdf) of HB 4343 but ultimately the bill was never scheduled for debate on the House floor after it passed out of the Public Health Committee in late April.

This is an issue that the House of Medicine continues to advocate for and will be pursing legislation in the 89th Legislature if a solution is not found before then. We’ll continue to keep TSGE membership apprised of these efforts.