

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Insurance

For HB 3414

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Hearing Date: April 4, 2023 8:00 AM

Heather De La Garza

Texas Hospital Association

Austin, TX

The Texas Hospital Association, representing more than 650 members, respectfully submits the following written testimony on House Bill 3414 by Chairman Tom Oliverson. THA is concerned that removing the prohibition on commercial use by entities who are allowed to access All-Payor Claims Database (APCD) data that is not accessible through the APCD public portal removes the objectivity component that should accompany analysis and uses of the data collected and submitted to the APCD. HB 3414 does not appear to clearly outline how the use and access of the database for any potential commercial purpose could not be manipulated or presented to enrollees or consumers in a manner that could misrepresent the services provided by health care providers. THA believes that use and access to the database should remain with legitimate research institutions and individuals whose mission should be objective analysis and transparency of health care information that improves the quality of care provided to Texas citizens. THA also wants to ensure that a patient's protected health information (PHI) will remain confidential from any public disclosure and that access and use of PHI through the APCD database will comply with the Texas Medical Privacy Act, any other state medical privacy law, and federal privacy laws. THA also notes that according to publicly available notes posted online from the Stakeholder Advisory Group's October 2022 meeting, APCD data is still not available. We are also not aware whether the Center has submitted a report mandated by Section 38.408, Insurance Code to the legislature. The lack of accessibility is concerning and thus warrants discussion on whether any changes to the law should be made before anyone can assess whether the law as currently written is working and changes are warranted.

We thank you for considering this written testimony and look forward to working with Chairman Oliverson's office and members of this committee.