

To: Chairman Stephen M. Casey, Chair of the House Health & Human Services Committee
Members of the House Health & Human Services Committee

From: Shoshanna Lustig, Rhode Island Health and Privacy Alliance (RIHPA)

Date: March 1, 2021

Re: **Support for House Bill 5370**

On behalf of RIHPA, we appreciate this opportunity to express our **strong support for House Bill 5370, which will protect patient privacy regarding sensitive healthcare services.**

House Bill 5370 is similar to a critical law that passed recently in Massachusetts and has key provisions related to Explanations of Benefits (“EOBs”) statements sent to patients from health insurers regarding their healthcare:

Insurers would send member-level summary of payment forms/EOBs and other communications directly to each individual patient, rather than to policy holders only; and patients could choose their preferred and safe mailing address, phone number or an electronic/email address to receive these communications.

Health care providers would help educate and inform their patients with regard to insurer communications and patient medical privacy rights.

This bill would also require the RI Department of Health to develop and provide health care providers with information on best practices relating to how providers can support patients requesting confidential communications including ensuring that health care providers and health care staff understand the confidentiality rights that patients have regarding communications sent by health insurers.

Currently, these communications are sent to policy holders, not to the patient directly. This means that, without the patient’s consent, the policy holder will have access to detailed information about the patient’s care. Sensitive information may be shared in EOBs including the name or type of provider and the type of service delivered. This troubling disclosure of information impacts a wide range of patients, but has a disproportionate impact on vulnerable patients who do not want to share personal health information, including adolescents and young adults (AYA) on their parent’s insurance and patients seeking mental health services, especially those who identify as LGBTQ+.

EOBs diminish AYA access to sexual health services, which can lead to unintended pregnancies and contracting sexually transmitted infections (STIs). After receiving mental and/or sexual health services, the reception of an EOB in an unaccepting home poses a risk of adverse mental and physical outcomes¹. Members of the RIHPA report from their experience that AYA often delay or completely avoid care for fear of their parents finding out¹ about the services they receive, especially if the services are related to their LGBTQ+ status. There is also a growing concern about the impact of COVID-19 on adolescents’ access to mental healthcare. Breaches of privacy also prevent people from seeking help with their mental health and medical attention after enduring abuse, both of which also disproportionately affect gender and sexual minority youth².

Breaches in patient confidentiality occur through EOBs and other methods of communication generated by health plans and insurers. This violates basic rights to privacy and agency regarding one’s personal healthcare. This legislation seeks to remedy this serious problem and encourage patients to always seek the health services they need without fear that their private health information may be disclosed to others.

This bill offers an important tool to enhance the health and well-being of young adults on their parents' insurance. On behalf of RIHPA, we strongly urge the committee to support this legislation to protect vital patient privacy and pass this bill immediately out of committee.

References:

1. Chu CT, Rusley JC, Wesley J, Chan PA, Trotz C, Brown JD. Confidentiality in Sexual Healthcare for Adolescents and Young Adults: Addressing Disclosure in the Explanation of Benefits. *R I Med J* (2013). 2020 Oct 1;103(8):19-21. PMID: 33003676.
2. Johns MM, Lowry R, Andrzejewski J, Barrios LC, Demissie Z, McManus T, Rasberry CN, Robin L, Underwood JM. Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students - 19 States and Large Urban School Districts, 2017. *MMWR Morb Mortal Wkly Rep*. 2019 Jan 25;68(3):67-71. doi: 10.15585/mmwr.mm6803a3. PMID: 30677012; PMCID: PMC6348759.