

CONFIDENTIALITY OF HEALTH CARE
COMMUNICATIONS AND INFORMATION ACT
(H5370)

Sponsored by Representatives Donovan,
Cassar, Speakman, Fogarty, Tanzi,
McNamara, Caldwell, Ajello, Casimiro, and
Kazarian



Rhode Island
Health and Privacy
Alliance

With H5370, Rhode Islanders insured on others' plans can direct confidential health care information to be sent to themselves only.

The Rhode Island Health and Privacy Alliance (RIHPA) strongly supports this bill.

What this bill will do to protect patients' privacy

- A person on another's insurance could request that health information be sent to an alternative mail/email address or called to a specific phone number. Currently, written disclosure statements, or "Explanations of Benefits" (EOBs), are sent to the policyholder's mailing address.
- Insurers would make available "confidential communications request forms" that patients, who are not the policyholders, could fill out online or via hard copy. Insurers would have 7 days to respond to electronic/phone requests and 14 days to respond to mail requests.
- The Department of Health will develop and disseminate best practices to health providers to aid patients in requesting confidential communications.

Privacy is essential

Confidentiality between the health care providers and patients is integral to the health care relationship. When patients cannot be assured their health care information is private, they may delay or avoid seeking care. Breaches of privacy can affect the health and safety of vulnerable populations.

What this bill could do to further protect privacy

- Insurers could be asked to mask sensitive services on disclosures, with descriptions like "medical care" or "office visit,"
- An option to block the sending of a sensitive health information disclosure altogether if no balance on a claim,
- Ensure immediate protection for confidential information at the time of a patient's health care visit, instead of 7-14 days after the visit, AND
- Funding for the DOH and OHIC to implement changes, such as provider training, public health messages, and monitoring of compliance.

Breaches of private health information can adversely affect all people, but particularly affect:

- Adults on a spouse's health insurance plan, particularly when the spouse is abusive,
- Young adults (ages 18-26) on parents' insurance plans, and
- Adolescents under the age of 18 years who are accessing sensitive services to which, by law, they can consent independently.

Consequences of breaches

- When health information is disclosed to an abusive partner or family member, abuse or violence can result.
- Adolescents and young adults may delay or avoid testing for sexually transmitted infections, leading to potentially serious consequences.
- Young adults and spouses may avoid seeking needed mental health care.