



The American College of Obstetricians and Gynecologists

WOMEN'S HEALTH CARE PHYSICIANS

Office of the Rhode Island Section Chair
Beth Cronin, MD, FCOG

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

From: **American College of Obstetricians and Gynecologists (ACOG)**

Date: March 1, 2021

Re: **Support for House Bill 5370**

On behalf of ACOG, I 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 domestic violence victims on their spouse’s insurance, patients seeking abortion services, young adults on their parent’s insurance seeing contraceptive care, individuals seeing psychiatric care or substance abuse treatment.

There are many patients we care for as Ob/Gyns who can be negatively impacted by someone else receiving their EOB form. One particularly vulnerable group is victims of domestic violence. These individuals may forego needed medical or mental health attention due to concerns that their abuser will be alerted to their use of medical services via EOBs. The abuser may feel a lack of control if the victim seeks medical attention

and be concerned that others will find out about the abuse. Therefore, seeking medical attention and the subsequent notice to their abuser via the EOB could escalate the violence, and advocates in Rhode Island have seen this consequence firsthand by working directly with survivors of abuse.

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 vulnerable women and young adults seeing reproductive health care. On behalf of the American College of Obstetricians and Gynecologists (ACOG) I strongly urge the committee to support this legislation to protect vital patient privacy and pass this bill immediately out of committee.

Sincerely,



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