

March 1, 2021

**STATEMENT OF DELTA DENTAL OF RHODE ISLAND
IN OPPOSITION TO HOUSE BILL NO. 5370
("An Act Relating to Businesses and Professions – Confidentiality of Health Care Communications and
Information Act)**

- Delta Dental of Rhode Island ("DDRI"), a nonprofit dental service corporation chartered under R.I. Gen. Laws § 27-20.1, submits this statement in respectful opposition to House Bill No. 5370, relating to health care services and confidential communications.

- House Bill No. 5370 would require an insured's request for confidential communications to be implemented by the insurer within seven (7) calendar days for a request received by electronic transmission or by telephone, or within fourteen (14) calendar days for requests received by first-class mail.

- DDRI understands that House Bill No. 5370 is primarily intended to address prompt accommodation of confidential communications requests from insureds, and while DDRI supports the intent, the practical implementation of requests made by electronic transmission or by telephone within 7 calendar days is problematic for the reasons set forth below:

FIRST, depending on the day the request is received, the production schedule for the release of certain insurance communications may be too far in the process to practically stop and redirect the communication. This is especially true for communications scheduled on a weekly basis.

SECOND, it would be burdensome to redirect the communication midstream, possibly causing delays in the release of required communications to the remainder of the insurer's membership.

For these reasons, and for simplicity in implementation, DDRI respectfully suggests that the timeframe to implement a request made by electronic transmission or by telephone be implemented within the same timeframe allotted for requests made by first-class mail – 14 calendar days. The requirement could be further conditioned to state that the request must be implemented "as soon as reasonably practical and no later than fourteen (14) calendar days from receipt of the request."

- House Bill 5370 is similarly problematic in its requirement under Subsection 4c which states "Notwithstanding subsection (b) of this section, a health care provider may make arrangements with the insured for the payment of benefit cost sharing and communicate that arrangement with the insurer." This appears to be referencing an "assignment of benefits" type arrangement that might be discussed between the insured and the provider, but it is unclear whether other types of financial arrangements might be intended to be included in this reference. DDRI respectfully requests clarification.

- Finally, House Bill 5370 is potentially problematic in its seeming requirement to obligate the insurer to communicate with the insured in the manner specified by the insured. DDRI sends communications containing dental information by first-class mail and by email if the insured has directed communications in that manner. Telephone calls are not used as a means of communicating such information. It is unclear from how House Bill 5370 is written whether the insurer is required to communicate with the insured however the insured requests, or whether the request must be implemented to the extent that mode of communication is used. Reference Subsection 4(b)(1) which states in part “. . . A health insurer shall accommodate requests for communication in the form and format requested by the individual, **if it is readily producible in the requested form and format.** . . .” (emphasis supplied). DDRI respectfully requests that language be modified to limit the request to whatever current means of communication are available by the insurer.