



Planned Parenthood Advocates of Oregon

To: House Committee on Health Care
From: Laura Terrill Patten, Executive Director Planned Parenthood Advocates of Oregon
Date: February 25, 2015
Re: Testimony in Support of HB 2758

Chair Greenlick and the Members of the House Healthcare Committee:

As the policy voice for Planned Parenthood in Oregon, patient privacy is at the forefront of our work. People of all ages come to our health centers because they know they will be cared for compassionately and confidentially and receive the highest quality care.

As Oregon moves forward with healthcare reform, it is critical to prioritize confidentiality protections. States have the opportunity to address new confidentiality concerns and to enhance patient access to care by implementing steps to prevent unwanted disclosure of personal information. Strong protections around confidentiality will ensure that all plan members can access and use the health care they need.

Oregon law needs to close a loophole in insurance communications to strengthen privacy and to increase access to health care. Numerous protections are in place to protect patient privacy while receiving care. We want to ensure these protections are provided to patients on the back end of their visit as well. Without protections for confidentiality, some individuals are effectively uninsured. We have heard many stories about patients who delay or choose to not receive care because they are afraid their confidentiality will be compromised by their insurance.

Just last week, one of our health centers served a man in his early 20s who was experiencing physical discomfort. He had an infection, and our providers recommended that he have a full STD screening because the symptoms pointed to the possibility of other infections. He confided that even though he had insurance, he was paying out of pocket because he knew his parents would see the detailed information from his visit because they are the policyholders. Under these circumstances, he couldn't afford additional screenings and left without knowing if he has any other STDs.

We have heard stories of college students who need treatment for substance abuse and eating disorders and also pay out of pocket so their parents don't find out about the care they are receiving. In one case, a student needed treatment because of abuse she suffered as a young child. It is tragic to think about students going into debt, sometimes substantial debt, despite being insured, to ensure their privacy is protected. These situations rendered people uninsured and that is unacceptable.

House Bill 2758 will address these concerns by requiring carriers to send insurance communications directly to the member receiving services – not the primary policyholder – unless the member receiving the care consents that the policyholder may receive those communications. As a result, patients can be assured that their medical information is truly private. This means that no one will have to go into debt to pay for medical services that should have been covered by their insurance – and that individuals will receive health care and treatment they need, when they need it without worrying someone else will get the details of their private, medical visit.

We look forward to working with the Insurance Division and carriers to operationalize these protections. Just as it is standard practice for patients to confirm their billing address and contact information, we are pursuing a system where they will also confirm their preferred method of contact for their insurance communications. HB 2758 includes a provision that requires a standardized form across all insurers for enrollees to either provide their alternate address or consent to the address on file. Further details will be worked out in the rulemaking process to ensure that insurers have the operational support they need to truly protect confidentiality.

Any bill that affects insurance companies and interactions with Oregonians deserves a lot of discussion and broad involvement. We are really proud to say that this bill has done just that. We brought this bill to a wide variety of insurance providers – including Cambia, Providence, Lifewise and Kaiser – along with experts in public health. We have engaged in conversations for the past few months with the Insurance Commissioner and her staff, and we've asked questions about enforcement and implementation with the Insurance Division staff and the insurance carriers.

We are proud of the work that has been put in, and we are so appreciative of the Insurance Division staff and the Insurance Commissioner for engaging on this issue and the insurance carriers for their feedback. Everyone at the table agrees that confidentiality is an issue and was open to finding solutions. We took all the feedback we received seriously and were particularly appreciative of Cambia and their involvement.

It is with that spirit of collaboration and compromise that we are offering an amendment to this bill with our chief sponsors, Representative Williamson and Senator Burdick. This language has been submitted to Legislative Counsel, and here is a brief explanation of that amendment:

We are changing “sensitive services” to “all services.” Insurance carriers informed us that it would be easier to operationalize if it was across the board and not just for a subset of services as the original version of the bill stated. We heard their concerns and agree that this change will improve the bill.

Upon feedback and request from the insurance providers, we are removing the \$25,000 fine and changing to enforcement determined through already existing fines as outlined in the civil penalties statute 731.988.

We are also removing the 90 days effective date and changing to immediate effective date with delayed operative date of January 2016. This allows the Insurance Division to begin working but provides insurers the needed time for implementation.

We are also adding an exemption for Department of Corrections so that the bill does not apply to inmate information and services.

And finally from direct feedback we are adding in Page 14, line 40: Insert "Section 13. Nothing described in section 2 of this 2015 Act shall be interpreted as conflicting with federal laws or regulations."

Those are a lot of changes and came from many great conversations and feedback, and we are pleased to be able to compromise on this bill and make it easier for the insurance carriers to implement this important policy to ensure patients private medical information remains private. We believe these changes make it a better bill for all Oregonians to ensure confidentiality in insurance communications.

Thank you for your time and we urge your support of HB 2758.