

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Senate Health Care

REVENUE: No revenue impact**FISCAL: Minimal fiscal impact****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Zena Rockowitz, Administrator**Meeting Dates:** 5/18, 5/27

WHAT THE MEASURE DOES: Prohibits carriers and third-party administrators from disclosing to anyone other than the enrollee receiving services, personal information about an enrollee, upon the request of the dependent enrollee. Specifies procedure for enrollees making a confidential communication request. Requires Department of Consumer and Business Services to submit report no later than December 1, 2016 on the effectiveness of the process. Changes the definition of personal health information to protected health information. Protects confidential communication in appeal of adverse benefit determination. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Parental rights with regards to minors and their health care
- Federal Affordable Care Act's provision for patients to specify who can receive records
- Privacy and safety concerns for survivors of domestic violence
- Contents of explanation of benefits by health insurer and who should receive the statement
- Willingness of patient to share information with the provider

EFFECT OF COMMITTEE AMENDMENT: Amendment -A11: Defines enrollee as someone 18 years of age or older. **Amendment –A12:** Requires school-based health centers to notify the parents or guardians whenever the center provides health care services or a referral and the service requires parental consent, regardless of whether the parent has provided prior written consent; provides timeframe to notify parent or guardian for emergency and non-emergency services.

BACKGROUND: The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides federal protections for individually identifiable health information held by covered entities and their business associates and gives patients' rights with respect to that information. Confidentiality is a fundamental role in accessing health care services. Disclosure of information through certain insurance communications can create a barrier to those services. Currently, health information through insurance communication (explanation of benefits) affects individuals as a dependent in a health plan, especially minors, and young adults insured on their parents' plan. House Bill 2758-A requires carriers to send any protected health information directly to the enrollee receiving the services, not the policyholder.

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This summary has not been adopted or officially endorsed by action of the committee.

Committee Services Form – 2015 Regular Session