

**2019 -- S 0580 SUBSTITUTE A**

LC002063/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

**SENATE RESOLUTION**

RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF HEALTH TO DEVELOP AND PROMULGATE RULES AND REGULATIONS TO ENSURE THE CONFIDENTIAL COMMUNICATION OF SENSITIVE MEDICAL INFORMATION

Introduced By: Senators Goldin, and Miller

Date Introduced: March 14, 2019

Referred To: Senate Health & Human Services

1 WHEREAS, Confidentiality of personal medical information is integral to a patient's  
2 health and to the provider-patient relationship; and

3 WHEREAS, Patient confidentiality has been raised as a serious concern in the context of  
4 third-party billing for sensitive medical screenings and treatments; and

5 WHEREAS, Despite patient privacy protections in place at the state and federal level,  
6 separate billing requirements and common health insurance practices may put the confidentiality  
7 of patient information at risk when sensitive medical services are billed to a private insurer or  
8 Medicaid; and

9 WHEREAS, The confidentiality of patient information may be exposed due to third-  
10 party payers sending an Explanation of Benefits (EOB), which details medical services received  
11 by a patient, or other types of communications, to the primary policyholder instead of the  
12 dependent who received the care; and

13 WHEREAS, A dependent's information may be at risk without their knowledge or  
14 consent; and

15 WHEREAS, Minors who are accessing services to which, by law, they can consent to  
16 independently, as well as young adults and adults that are on their spouses' health insurance plan  
17 are greatly affected by this issue; and

18 WHEREAS, The Affordable Care Act allows dependents to stay on their parents' medical  
19 insurance coverage until age twenty-six; and

1           WHEREAS, Patients may delay or completely avoid getting sensitive medical screenings  
2 or treatments, for fear of their medical information being exposed, which could put them and  
3 others at risk; and

4           WHEREAS, Patients may delay or completely avoid getting mental health care because  
5 the policyholder might find out; and

6           WHEREAS, Patients that are victims of domestic violence may not seek treatment for  
7 their injuries because they may be at risk of experiencing retaliatory violence if their abuser  
8 receives a communication regarding their private medical information, such as an Explanation of  
9 Benefits; and

10          WHEREAS, Thirteen states have provisions that serve to protect the confidentiality of  
11 individuals insured as dependents; and

12          WHEREAS, Developing procedures and protocols to protect patient confidentiality and  
13 educating providers and patients about how to protect patient confidentiality could improve  
14 patient privacy and decrease the risk of exposing sensitive medical information without a  
15 patient's knowledge or consent; now, therefore be it

16          RESOLVED, That this Senate of the State of Rhode Island and Providence Plantations  
17 hereby respectfully requests the Rhode Island Department of Health to develop and promulgate  
18 rules and regulations to ensure the confidential communication of sensitive medical information;  
19 and be it further

20          RESOLVED, That the Rhode Island Department of Health may consult with the other  
21 state agencies to implement said regulations, as necessary, including, but not limited to, the  
22 Office of the Health Insurance Commissioner and The Office of the Attorney General; and be it  
23 further

24          RESOLVED, That this Senate hereby requests the Rhode Island Department of Health to  
25 finalize these rules and regulations and notify the Rhode Island Senate Committee on Health and  
26 Human Services of these rules and regulations on or before January 2, 2020; and be it further

27          RESOLVED, That the Secretary of State be and hereby is authorized and directed to  
28 transmit duly certified copies of this resolution to the Honorable Gina Raimondo, Governor of the  
29 State of Rhode Island, Nicole Alexander-Scott, MD, MPH, Director of the Rhode Island  
30 Department of Health, Marie L. Ganim, PhD, Health Insurance Commissioner, and the Honorable  
31 Peter Neronha, Rhode Island Attorney General.

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