Healthcare Confidentiality

Ensure confidentiality for those who rely on others for health insurance

Tzlil Levy ’17
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Confidentiality in healthcare is essential. Mental health professionals, specialists who treat addiction, advocates for survivors of domestic abuse, and family planning professionals agree that confidentiality helps patients access the healthcare they need. When a person receives services using medical insurance, the insurance company sends a description of what services were used and paid for through the explanation of benefits (EOB). The EOB goes to the policyholder. An EOB has the risk of violating the privacy of patients.

■ The Bill

S.591/H.2960: An Act to protect access to confidential healthcare

■ Elevator Speech

Every person deserves a healthy lifestyle and access to care. Only through responsible planning can we ensure that people will not delay or avoid preventative care. Minors, young adults, and spouses are especially vulnerable to this problem because they often get their health insurance through a family member. They delay or avoid care because they are afraid their confidential information will be disclosed. Currently, minors cannot exercise their rights to confidentially access certain medical services. Young adults might be too afraid to access sensitive, but critical care. If a partner abuses a spouse, and the spouse seeks medical care, disclosure to an abusive partner can make the relationship worse. These problems lead to unhealthy outcomes and higher costs in the long-run.

This bill will allow insurers to provide an Explanation of Benefits (EOB) at the member level, instead of the policyholder level. By doing this, medical professionals will be able to communicate directly with the patients. This establishes trust and gives patients the confidence to seek care. “An Act to protect access to confidential healthcare” is essential to support people dependent on the health insurance of others. We request that the Joint Committee on Financial Services vote favorably on this bill, which affects people that we know and love.

Tzlil Levy ’17 and Heather Spector ’17
Excerpt from the Storybook

This bill would INCREASE

Acknowledgment to survivors that they deserve supportive services

Comfort and confidence to get services they need

Knowledge so survivors can make informed decisions for themselves

Catherine believes the most important thing for mental health patients is to have their medical services protected, since this is the most essential part of creating a relationship between the professional and patient. She says it also helps patients grow and overcome the obstacles they faced to receive support. She knows that without her parents’ support for therapy, she would not be able to get the care she needed.

“It is essential to ensure survivors of domestic and sexualized violence can access physical and mental health services. Without this bill, survivors may continue to avoid services in fear that the [abusive spouse or parent] will be made aware and respond with further harmful behaviors. The passing of the bill will demonstrate that society is aware and appreciates the needs of survivors.”

Despite their discomfort, Melissa’s parents allowed her to get contraceptive pills for medical reasons. When she needed additional reproductive services, she did not feel comfortable speaking to her parents. She knows it can be emotionally uncomfortable, and for some, physically unsafe, to have reproductive health conversations with parents. Melissa explains that, “many people are in immediate physical danger in their homes and would suffer abuse from their families when discussing these topics.”

Op-Ed

Tzili

It seems that everything we do is in the public eye these days. Whether we post on social media, get caught on tape, or have personal photos leaked, it feels as if we no longer have control over our privacy and we need to take extra caution. However, the one place we expect confidentiality is at the doctor’s. But we do not even have that.

The overall checkup with the doctor is kept confidential with the patient, but did you know that after the visit, the Explanation of Benefits (EOB) is sent to the policyholder of the health insurance? In other words, your visit to the doctor for mental health, domestic abuse, or even for reproductive health services, the policyholder on your health insurance is the one to receive the information about the medical services provided.

According to the National Center for Health Statistics, 93% of children and 83.6% of adults have had contact with a healthcare professional in the past year. Although reasons for visits range among individuals, it is important to consider the trust patients espouse when visiting a healthcare professional. Unfortunately, that trust can be severed when the insurance plan alerts the policyholder about the visit, because the policyholder can be the one exercising unhealthy behavior towards the dependent on the insurance.

According to the National Coalition Against Domestic Violence, in the United States, almost 1.5 million teenagers experience physical abuse from a dating partner. Approximately 43% of young college women experience abusive dating behaviors. And approximately 10 million men and women are physically abused a year, which translates to 20 people per minute. These alarming rates of abuse cannot go unnoticed. In many of these circumstances, the victim has trouble seeking help due to the stigma around domestic abuse. If the parent is the policyholder on the insurance plan, he or she can cause the child grief and deter the child from getting appropriate medical care. Moreover, in the case of adults, if the abuser is the policyholder he or she can worsen the abuse because the visits will be known based on the EOB.

But this issue with healthcare confidentiality can be changed. Senator Karen E. Spilka and Representative Kate Hogan introduced “An Act to protect access to confidential healthcare” in the Massachusetts legislature to ensure that every individual receives proper and private care. The bill guarantees that the actual patient receives the EOB instead of the policyholder. This would apply to minors, young adults, and adults – basically any human who has healthcare insurance. “An Act to protect access to confidential healthcare” would especially help people seeking mental health services and those suffering from domestic abuse.

Currently, the bill is in the Joint Committee on the Financial Services and should be receiving a hearing soon, most likely in the coming weeks. If the bill becomes a law, any incurred costs would be negligible. Generally, the EOB would be sent electronically, which is cheaper than sending paper copies. Although opponents of the bill do not raise financial concerns, they argue that the bill endorses secret abortions for minors without their parents knowing. This is completely false. In the state of Massachusetts, an unmarried minor must get consent from a parent, legal guardian, or court order to get an abortion. This bill does not change that. The premise of the Act is to ensure that every person has access to confidential healthcare deemed necessary.

A society that does not provide medical care fails to treat its citizens fairly. Offering care, especially for mental health needs and domestic abuse victims, supports patients in the long-run. Neglecting the importance of confidential care will only perpetuate the situation. This Act provides preventative
If you understand the importance of healthcare confidentiality, then take action now and call the members of the Joint Committee on Financial Services for a hearing. Call your representatives and senators and explain why this bill, "An Act to protect access to confidential healthcare," matters to you. If we cannot confide in our doctors, then who else can we trust these days?

### House Ways and Means Script

As citizens, every individual deserves to live a healthy lifestyle and have access to care. We can ensure the people we know and love can access medical care through responsible planning. This bill aims to help our family members, relatives, friends, and colleagues who are affected by the issue of confidentiality every day.

Unfortunately, many minors, young adults, and spouses often avoid or delay care because they are afraid their confidential information will be disclosed. Since they often get their health insurance through a family member, they are especially vulnerable to this problem. Currently, minors cannot exercise their rights to confidentially access certain medical services, and young adults might be too afraid to access sensitive, but critical care. There are young adults who are independent enough to know what healthcare services they need, but they delay or avoid care. They are scared that their parents will make them emotionally uncomfortable or physically unsafe. In situations of domestic abuse, a spouse can seek medical care while the partner receives disclosure of the medical services provided, which can worsen the relationship and abuse. For people who struggle with mental health and survivors of domestic abuse, this bill will assist them greatly, since delaying or preventing care leads to unhealthy outcomes and higher costs in the long-run.

H.2960 will address the issue of access to confidentiality. Currently, health insurance companies provide an explanation of benefits (EOB) to the policyholder instead of the member seeking care. In order to solve this problem, the bill guarantees insurers will provide an EOB at the member level, instead of the policyholder level. Insurers would allow patients to choose their preferred method of receiving EOBs, including an alternative address or HIPAA-compliant electronic communication. Patients could also opt out of receiving an EOB if they feel it would risk their safety and make healthcare inaccessible. These changes encourage patients to be more open with their doctors. This establishes trust and gives patients the confidence to seek care. “An Act to protect access to confidential healthcare” is essential to support people dependent on the health insurance of others.

If this bill becomes a law, any incurred costs would be negligible. When dependents request an EOB, they will often ask for it electronically. Sending electronic EOBs is cheaper than sending paper EOBs. A technology created by PrognoCIS and Trizetto called PaperResolve automates paper EOBs to electronic processing saving “providers as much as 60 percent in processing costs per claim based on typical client results.” In other words, health insurance companies save money on every automated EOB as opposed to providing a paper copy. While healthcare insurance providers will need to purchase the PaperResolve technology, the service will save $1.77 for every EOB entered electronically. Moreover, since there will be fewer emergencies at hospitals, costs should decrease because patients will more likely seek preventative care. Any costs associated with this bill are insignificant, which further emphasizes why this bill should be passed.

Although costs are negligible, the bill still received pushback last session. With limited time before the legislative session ended, conservative organizations such as MassResistance and the Massachusetts Family Institute spread false information. They claimed that the bill would allow minors to get abortions without their parents knowing. That is not true. An unmarried minor in Massachusetts must get consent from a parent, legal guardian, or court order to get an abortion. This bill is not trying to change protected confidential healthcare services minors can independently access. Rather, it upholds the law.

The current protections in Massachusetts are not enough to fully ensure many people’s privacy when accessing medical care. Privacy regulations might have been sufficient in the past. However, since 2012, a common summary of payments form has been required in Massachusetts. Moreover, since 2010, children have been allowed to stay on their parents’ healthcare insurance until the age of 26. The new circumstances surrounding healthcare insurance today require the level of confidentiality to be re-assessed based on the recent changes.

We hope that you will make the right decision to protect the safety and health of those you are close to. Passing this bill will allow people to be responsible about accessing the healthcare they need. It removes any barriers they face when seeking care. We humbly request that the House Ways and Means Committee votes favorably on this bill. If this bill is voted favorably, some of our most cherished family and friends will be immensely grateful.

### Letter to the Legislator

We are writing to you regarding S.591/H.2960: “An Act to protect access to confidential healthcare.” We would like to thank you for co-sponsoring the bill. As Waltham residents,
we feel proud that you are our senator. We are impressed by the progressive work you have done to support victims of domestic abuse and troubled children.

We imagine that you are a wonderful father to your twin daughters. We both have sisters and understand the importance of a close-knit family. However, some families are not as close, as you know. When sons and daughters use their parent’s health insurance to afford the services they need, they cannot choose whether or not their parents find out about their services. This problem especially impacts children, young adults, and abused spouses. Children are currently unable to exercise their right to independently access certain healthcare services. Young adults living independently of their parents might know what services they need, but delay or avoid getting help. They fear their parents would make them uncomfortable or even physically unsafe. An abusive relationship can worsen if the abuser knows the victim sought help.

We need your help to improve the lives of so many people who are affected by this issue every day. We have spoken to community members who are very passionate about this bill and would love to see it pass. We are working with dedicated individuals from Health Care for All’s “Protecting Access to Confidential Health Care” (PATCH) Alliance to get this bill passed. By co-sponsoring the bill, you affirm that the work is not over and we must continue to fight for everyone’s rights. We hope that you will continue to advocate for this bill by speaking to colleagues about it and voting favorably on it. Thank you for your time, and we look forward to seeing your support for this bill soon.

■ Excerpts from Campaign Journals

Tzil

Heather and I were also in contact with Maria Pizzimenti, Director of Advocacy at REACH MA, a non-profit organization that provides support to all survivors of abuse and prevents domestic violence. Maria informed us that REACH scheduled a Domestic Violence 101 training for Friday, March 17, 2017. Heather and I contacted Lauren Montanaro, Community Engagement Specialist, who organized the training, for more information. That Friday, Maddy drove us to the training. Lauren created a comfortable environment for participants to speak up and engage. Learning about domestic violence enhanced my understanding of emotional, physical, and mental abuse. The three-hour training covered different areas of abuse, which I did not consider, such as immigration and financial aspects.

Attending the training not only helped me understand the meaning of domestic abuse, but assured me of the implications of unhealthy relationships. Since the bill addresses groups affected by sexual and domestic violence, mental health, and access to reproductive health care services, the training enhanced my understanding and the significance of passing the bill.

Heather

I met with Senator John F. Keenan, a Democrat for Norfolk and Plymouth. He co-sponsors our bill, and he was very familiar with it. I wanted to speak to him to remind him of how urgent healthcare confidentiality issues are in Massachusetts, and to ask him to speak positively about the bill to his colleagues. I knew that sharing my personal fears and hopes would be effective in advocating for healthcare confidentiality, but I was nervous. This was a sensitive issue, and I barely know this Senator. But I spoke up, and he was very receptive. He said that me coming in to speak to him was more effective than maybe 100 e-mails. Putting a face to a problem makes it more memorable to him.

His positive response to my advocacy has encouraged me to think about advocating for issues I care about in whatever city I’m a resident of in the future. In the future, I’m hoping that I’ll be more confident when speaking to legislators. I’ll remind myself of the positive impact my story can have, and how that’s more important than me keeping my personal story private.

■ Update

The bill was reported favorably by the Joint Committee on Financial Services on September 5, 2017 and referred to the Committee on Health Care Financing.

For more information

View the Bill:
malegislature.gov/Bills/190/H2960

Health Care for All:
hcfama.org

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