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May 22, 2017

The Honorable James B. Eldridge  
Senate Chair, Joint Committee on Financial Services  
State House, Room 320  
Boston, MA 02133

The Honorable Aaron Michlewitz  
House Chair, Joint Committee on Financial Services  
State House, Room 254  
Boston, MA 02133

**Re: H. 2960/S. 591, *An Act to Protect Access to Confidential Healthcare***

Dear Chairman Eldridge and Chairman Michlewitz:

I am writing to express my support for H. 2960/S. 591, *An Act to Protect Access to Confidential Healthcare*, sponsored by Representative Kate Hogan and Senator Karen Spilka. This legislation would protect the confidentiality of patients receiving sensitive health care services. This is particularly important for survivors of sexual and domestic violence, young people seeking to access reproductive health care services and mental health services, and those receiving treatment for other potentially sensitive conditions.

This legislation would require health insurers to ensure that when multiple people are on the same insurance plan, confidential health care information is not shared with anyone other than the patient. Health insurers routinely send out an Explanation of Benefits (EOB), containing detailed information about the type of medical services received, to the primary subscriber each time a member of the household or family accesses care. Sensitive health information may be disclosed in an EOB, without any screening as to whether that information reveals something about the patient's care that should be private.

This practice presents a serious risk for certain patients. It presents a risk, for example, to the woman seeking medical care after being attacked by an abusive spouse. The information about her visit could automatically be sent to that very same abusive spouse if he is the primary subscriber for her health insurance, which might cause him to retaliate against her. It also presents a risk for the student on his parents' health plan, who may not want to be tested for a



sexually transmitted infection if he knows that information about that test might be sent to his parents in an EOB. Indeed, with the popularity of the Affordable Care Act provision facilitating coverage for millions of young people under age 26 on their parents' insurance plans, the risk of disclosure can dissuade those young people from seeking necessary medical attention.

H. 2960/S. 591, *An Act to Protect Access to Confidential Healthcare* would address this problem in several ways. First, it would require a "member-level" Explanation of Benefits to be sent to the patient who actually received the service, rather than the primary subscriber under the policy. The form would be provided electronically or in hard copy, at an address selected by the patient. Second, for sensitive health care services, the explanation of benefits would be limited to generic terms, rather than delving into the specific procedures or services provided. This is an important additional safeguard, so that even if the EOB sent to the patient finds its way into someone else's hands, information about services obtained is not completely obvious. Third, the legislation also recognizes the importance of educating health care consumers and providers about these new methods to preserve confidentiality, and it creates a mechanism for doing so. That public education component provides another important layer of protection.

I applaud the Division of Insurance for taking steps toward protecting access to confidential health care. The legislation before the Committee is consistent with the Division's approach and would ensure that additional protections and education are in place to allow patients to communicate openly with their providers and access needed health care without fear that their private information will be disclosed.

Thank you for considering this important legislation. If you have any questions, please do not hesitate to contact Shane Blundell, Policy Advisor, at (617) 963-2348.

Very truly yours,



Maura Healey

cc: The Honorable Kate Hogan  
The Honorable Karen E. Spilka