

2021 -- S 0062 SUBSTITUTE A

LC000744/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT

Introduced By: Senators Goldin, Valverde, DiMario, Mendes, and Miller

Date Introduced: January 19, 2021

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-37.3 of the General Laws entitled "Confidentiality of Health Care
2 Communications and Information Act" is hereby amended by adding thereto the following section:

3 **5-37.3-12. Right to confidential communication of medical information.**

4 (a) As used in this section:

5 (1) "Confidential communications request" means a request by an insured individual
6 covered under a health insurance policy that insurance communications containing medical
7 information be communicated to him or her at a specific mail or email address or specific telephone
8 number, as designated by the insured individual.

9 (2) "Health insurer" shall have the same meaning as "managed-care entity" as defined in §
10 5-37.3-3

11 (3) "Health care provider" shall have the same meaning as set forth in § 5-37.3-3.

12 (4) "Insured individual" means a covered individual under the policy and legally capable
13 of consenting to the provisions of covered benefits.

14 (5) "Medical information" means any individually identifiable information, in electronic
15 or physical form, in possession of or derived from a health care provider, health insurer,
16 pharmaceutical company, or contractor regarding a patient's medical history, mental or physical
17 condition, or treatment. "Individually identifiable" means that the medical information includes or
18 contains any element of personal identifying information sufficient to allow identification of the

1 individual, such as the patient's name, address, electronic mail address, telephone number, or social
2 security number, or other information that, alone or in combination with other publicly available
3 information, reveals the individual's identity.

4 (b) Notwithstanding any other law, and to the extent permitted by federal law, a health
5 insurer shall take the following steps to protect the confidentiality of an insured individual's medical
6 information on and after January 1, 2022:

7 (1) A health insurer shall permit an insured individual to submit a confidential
8 communications request form as described in subsection (e) of this section. A health insurer shall
9 accommodate requests for communication in the form and format requested by the insured
10 individual, if it is readily producible in the requested form and format. A health insurer shall permit
11 that communications containing medical information be communicated to the insured individual at
12 a specific mail or email address or specific telephone number, as designated by the insured
13 individual.

14 (2) A health insurer may require the insured individual to make a request for a confidential
15 communication described in subsection (b)(1) of this section, in writing or by electronic
16 transmission.

17 (3) The confidential communication request shall be valid until the insured individual
18 submits a revocation of the request, or a new confidential communication request is submitted.

19 (4) For the purposes of this section, a confidential communications request must be
20 implemented by the health insurer within seven (7) calendar days of the receipt of an electronic
21 transmission or telephonic request or within fourteen (14) calendar days of receipt by first-class
22 mail. The health insurer shall acknowledge receipt of the confidential communications request and
23 advise the insured individual of the status of implementation of the request if an insured individual
24 contacts the insurer.

25 (c) Notwithstanding subsection (b) of this section, a health care provider may make
26 arrangements with the insured individual for the payment of benefit cost sharing and communicate
27 that arrangement with the insurer.

28 (d) A health insurer shall not condition coverage on the waiver of rights provided in this
29 section.

30 (e) All health insurers shall create a confidential communications request form that shall
31 be easily readable and prominently displayed on the health insurer's website.

32 (f) The department of health shall develop and disseminate to health care providers
33 information on best practices relating to how providers can support patients requesting confidential
34 communications including, but not limited to:

1 (1) Ensuring that health care providers and health care staff are aware and understand the
2 requirements outlined in this section;

3 (2) Having hard-copy versions of the standardized confidential communications request
4 forms described in subsection (e) of this section, prominently displayed and available to patients;
5 and

6 (3) Offering to submit the standardized confidential communications request forms
7 described in subsection (e) of this section that has been completed by a patient to that patient's
8 health insurer.

9 (g) The office of the health insurance commissioner and the department of health may
10 adopt reasonable rules and regulations for the implementation and administration of this chapter.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CONFIDENTIALITY OF HEALTH
CARE COMMUNICATIONS AND INFORMATION ACT

1 This act would require a health insurer to accommodate the request for communication in
2 the form and format requested by the insured individual, if it is readily producible in the requested
3 form and format, including to provide such medical information to a specific mail or email address
4 or specific telephone number, as designated by the insured individual.

5 This act would take effect upon passage.

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