



**Joint Committee on Financial Services**  
**July 21, 2015**  
**Testimony of Attorney General Maura Healey**  
*(As prepared for delivery)*

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Good morning, Chairman Eldridge, Chairman Michlewitz and members of the Committee. Thank you for the opportunity to testify before you today.

I'm here to express my strong support for legislation filed by Senator Spilka and Representative Hogan that addresses confidentiality for patients receiving sensitive health care services.

This is a bill of particular importance 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.

Under our existing system, after a patient receives medical care, her insurance company sends an "explanation of benefits" form (or "EOB") to the main "subscriber" in the household or family.

The form contains detailed information about the services provided.

As a general matter, there are strong legal protections that govern the confidentiality of health care information at the federal and state levels. However, information about the nature of health care services that have been provided under a particular policy holder's plan may be routinely sent to the primary policy holder without any screening as to whether

that information reveals something about the patient's care that should be private.

That presents a real 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 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, in the wake of the Affordable Care Act, there is an increased risk of unwanted disclosure for the millions of young people under age 26 on their parents' insurance plans, which can dissuade those young people from seeking necessary medical attention.

*An Act to protect access to confidential healthcare* (S557, H871) would fix that. The legislation requires a "member-level" Explanation of Benefits, which means the insurer would have to send the EOB form to the patient who actually received the service, rather than the subscriber.

The form would be provided electronically or in hard copy, at an address selected by the patient.

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 a good 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.

Importantly, the proposal before the Committee 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.

Briefly, I also want to express my support for another bill you'll be hearing today, *An Act relative to women's health and economic equity* (H948 and S483), filed by Representatives Scibak and Sannicandro and Senator Chandler.

The Affordable Care Act requires health plans to provide no-cost access to at least one form of all 18 FDA-approved methods of birth control.

But, under current law, health plans can still charge co-pays for certain contraceptives. This bill is intended to ensure that Massachusetts health plans cover *all* FDA-approved contraceptives without cost-sharing.

You have been at the forefront of health care access and affordability, first by passing health care reform and then by tackling rising costs.

My office stands ready to partner with you on these and many other important issues to keep Massachusetts a health care leader, and my health care team will be in touch to provide additional feedback on these important bills as you move forward.

Thank you again for the opportunity to testify today.