

2021 -- H 5370 SUBSTITUTE A

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LC001407/SUB A
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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: Representatives Donovan, Cassar, Speakman, Fogarty, Tanzi,
McNamara, Caldwell, Ajello, Casimiro, and Kazarian

Date Introduced: February 05, 2021

Referred To: House 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 confidential health care**
4 **information.**

5 (a) As used in this section:

6 (1) "Confidential communications request" means a request by a patient or authorized
7 representative covered under a health insurance policy that insurance communications containing
8 confidential health care information be communicated to him or her at a specific mail or email
9 address or specific telephone number, as designated by the patient or authorized representative.

10 (2) "Confidential health care information" shall have the same meaning as set forth in § 5-
11 37.3-3.

12 (3) "Health insurer" shall have the same meaning as "managed-care entity" as defined in §
13 5-37.3-3

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

15 (5) "Patient or authorized representative" shall have the same meaning as set forth in § 5-
16 37.3-3.

17 (b) Notwithstanding any other law, and to the extent permitted by federal law, a health
18 insurer shall take the following steps to further protect the confidentiality of a patient's health care

1 information:

2 (1) A health insurer shall permit a patient or authorized representative to submit a
3 confidential communications request form as described in subsection (d) of this section. A health
4 insurer shall accommodate requests for communication in the form and format requested by the
5 patient or authorized representative, if it is readily producible in the requested form and format. A
6 health insurer shall permit that communications containing confidential health care information be
7 communicated to the patient or authorized representative at a specific mail or email address or
8 specific telephone number, as designated by the patient or authorized representative.

9 (2) A health insurer may require the patient or authorized representative to make a request
10 for a confidential communication described in subsection (b)(1) of this section, in writing or by
11 electronic transmission.

12 (3) The confidential communication request shall be valid until the patient or authorized
13 representative submits a revocation of the request, or a new confidential communication request is
14 submitted.

15 (4) For the purposes of this section, a confidential communications request must be
16 implemented by the health insurer within ten (10) calendar days of the receipt of an electronic
17 transmission or telephonic request or within ten (10) calendar days of receipt by first-class mail.
18 The health insurer shall acknowledge receipt of the confidential communications request and advise
19 the patient or authorized representative of the status of implementation of the request if a patient or
20 authorized representative contacts the insurer.

21 (c) A health insurer shall not condition coverage on the waiver of rights provided in this
22 section.

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

25 (e) The department of health shall develop and disseminate to health care providers
26 information on best practices relating to how providers can support patients or authorized
27 representatives requesting confidential communications including, but not limited to:

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

30 (2) Having hard-copy versions of the standardized confidential communications request
31 forms described in subsection (d) of this section, prominently displayed and available to patients
32 or authorized representatives; and

33 (3) Offering to submit the standardized confidential communications request form
34 described in subsection (d) of this section that has been completed by a patient or authorized

1 [representative to that patient's health insurer.](#)

2 [\(f\) The office of the health insurance commissioner and the department of health may adopt](#)
3 [reasonable rules and regulations for the implementation and administration of this chapter.](#)

4 SECTION 2. This act shall take effect on January 1, 2022.

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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 patient or authorized representative, if it is readily producible
3 in the requested form and format, including to provide such confidential health care information to
4 a specific mail or email address or specific telephone number, as designated by the patient or
5 authorized representative.

6 This act would take effect January 1, 2022.

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