

**2021 -- H 5370 SUBSTITUTE A AS AMENDED**

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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 insured individual or  
7 authorized representative covered under a health insurance policy that insurance communications  
8 containing confidential health care information be communicated to him or her at a specific mail  
9 or email address or specific telephone number, as designated by the insured individual or authorized  
10 representative.

11 (2) "Confidential health care information" shall have the same meaning as set forth in § 5-  
12 37.3-3.

13 (3) "Health insurer" shall have the same meaning as "managed-care entity" as defined in  
14 §5-37.3-3.

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

16 (5) "Insured individual" means a covered individual under the policy and legally capable  
17 of consenting to the provisions of covered benefits.

18 (6) "Patient or authorized representative" shall have the same meaning as set forth in § 5-

1 37.3-3.

2 (b) Notwithstanding any other law, and to the extent permitted by federal law, a health  
3 insurer shall take the following steps to further protect the confidentiality of an insured individual's  
4 confidential health care information:

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

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

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

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

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

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

29 (e) The department of health shall develop and disseminate to health care providers  
30 information on best practices relating to how providers can support insured individuals or  
31 authorized representatives requesting confidential communications including, but not limited to:

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

34 (2) Having hard-copy versions of the standardized confidential communications request

1 form described in subsection (d) of this section, prominently displayed and available to insured  
2 individuals or authorized representatives; and

3 (3) Offering to submit the standardized confidential communications request form  
4 described in subsection (d) of this section that has been completed by an insured individual or  
5 authorized representative to that insured individual's health insurer.

6 (f) The office of the health insurance commissioner and the department of health may adopt  
7 reasonable rules and regulations for the implementation and administration of this chapter.

8 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  
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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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