
Protecting Patient Confidentiality: What you Need to Know

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Adolescent, Genetics, and Reproductive Health Section

PUBLIC HEALTH DIVISION

Agenda

- Confidentiality: background and implications
- HB 2758: overview of Oregon's new law
 - What it does
 - What it doesn't do
- Implementing the law: nuts and bolts
- Supporting your clients
- Available resources
- Questions and TA needs

Poll – Where do you work?

- Local county health department
- School-based health center
- Reproductive health/family planning clinic (e.g. Planned Parenthood)
- Federally-qualified health center
- Other

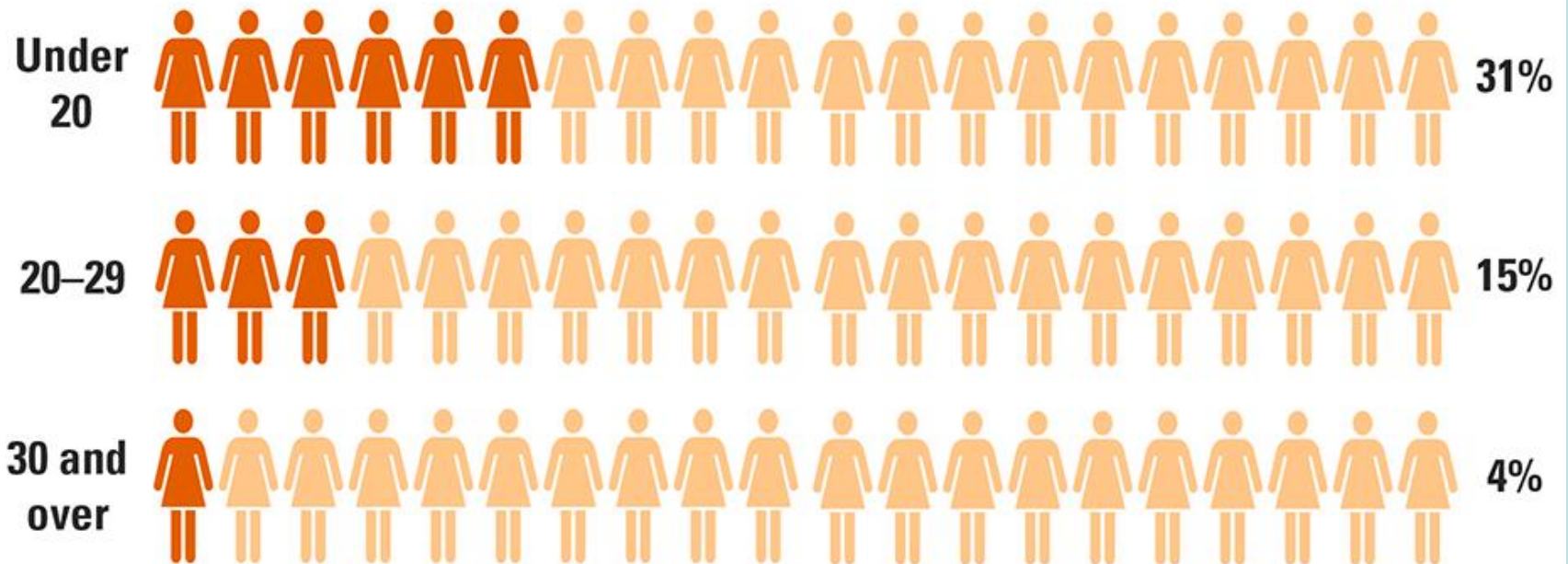
Confidentiality Described

- Fundamental principle in health care
- Who is impacted?
 - Adolescents
 - Young adults
 - Dependents on family health insurance policies (children, spouses, domestic partners)
- Privacy concerns around:
 - Mental health
 - Substance use
 - Sexual and reproductive health
 - Experiences of violence

Implications

PRIVACY PROBLEMS

Teens are far more likely than older women to cite confidentiality as the reason they are not planning to use their insurance coverage to pay for the care they receive at reproductive health-focused health centers.



Source: reference 5.

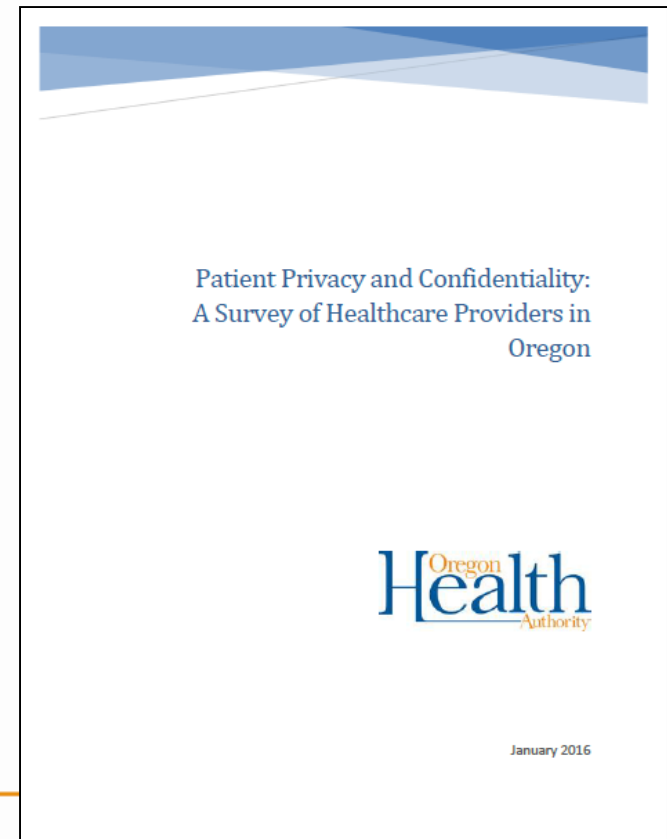
Guttmacher, 2013

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Impact on Providers

A [2015 survey of health care providers in Oregon](#) found:

- 32% reported redirecting care to another provider or setting
- 38% reported avoiding coding and/or billing for services
- 41% reported a financial impact on their health center/practice because they cannot or do not bill a clients insurance (private or OHP)



HB 2758: Oregon's New Law

What the law **DOES**:

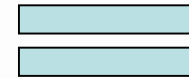
- Requires **commercial** health insurance carriers to permit any member the right to request that protected health information be sent directly to them instead of the person who pays for their health insurance
- Standardized request form
- Types of communication covered include:
 - An explanation of benefits (EOB)
 - Name and address of provider, description of services provided, or other visit information
 - Claim denial
 - A request for additional information about a claim
 - A notice of a contested claim

HB 2758: Oregon's New Law

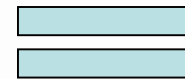
What the law does **NOT** do:

- Apply to clients with Oregon Health Plan (Medicaid).
- Suppress an EOB or other communication. Only redirects it to another location.
- Impact deductible or out-of-pocket maximum amounts.
- Impact communication generated by **providers**.
- Change access to information on online patient portals.

Important Points to Consider and Share



7 Days



30 Days

Important Points to Consider and Share



Client should confirm with insurance company that request has been received and processed.

If the confidential communication request has not been processed, information about the visit may be sent to the policy holder.

Questions?



Insurance Division Website

<http://tinyurl.com/ORPatientPrivacy>

The screenshot shows the Oregon Insurance Division website. The navigation bar includes links for Home, e-Alert, News, Agents, Answers & Action (highlighted), Insurers, Legal, and Medicare help. The breadcrumb trail reads: Department of Consumer and Business Services / Division of Financial Regulation / Get help / Health / Patient right to privacy. The main heading is 'Patient right to privacy'. On the left is a sidebar menu with items like 'File a complaint', 'Appeals process', 'Health insurance', 'Preventive care services', 'Patient right to privacy' (selected), 'Individual (nongroup)', 'Employers', 'Health insurance report', 'Enrollment data', 'Common questions', 'Long-term care', 'Avoid fraud', 'Insurers contact information', and 'External review'. The main content area explains that Oregon law guarantees the right to have protected health information sent directly to the patient instead of the primary account holder. It lists ways to have information shared: Email, Telephone, and At a different mailing address. It instructs users to complete, sign, and send a form to their insurer, with a red box highlighting the 'Oregon Request for Confidential Communication form'. A 'PLEASE NOTE' box states that if insurance companies change, a new request must be made. A 'Key links' section includes 'Information for health care providers' and 'Links to insurer confidentiality information'. A 'What is protected health information?' section defines it as individually identifiable health information and lists examples like provider name/address, benefits notice, and appointment information.

Confidential Communication Request Form

**OREGON
REQUEST FOR CONFIDENTIAL COMMUNICATION**

You have the right to have protected health information* sent to you instead of the person who pays for your health insurance plan. You can ask to be contacted:

- At a different mailing address
- By email
- By telephone

To make this request, complete, sign, and send this form to your insurer. You can send it by mail, fax, or email. To find contact information for your health insurance plan, visit <http://www.oregon.gov/DCBS/Insurance/gethelp/health/Pages/confidential-communications.aspx>.

Please note: It can take up to 30 days from the date your insurer receives your hard-copy request to process it. Requests made by telephone, by email, or over the Internet must be implemented by your insurer within seven days of receipt.

Name of your health insurance company _____

Your name _____

Your date of birth _____ Your insurance member # (if available) _____ Your insurance group # (if available) _____

Please tell us how we should contact you. If you mark more than one way, put a "1" next to your first choice, "2" next to your second choice, and so on. Your health plan must contact you through at least one of the communication methods noted below:

- Email to the following email address: _____
- U.S. Mail at this address: _____
- Text to the following phone #: _____
- Message through online insurance patient portal: _____
- Phone call to the following number: _____

IMPORTANT! The following two sections MUST be completed:

1. If a communication cannot be sent in the above selected formats, or if you want information by U.S. mail, provide the address below:

2. Is there a phone number or email to use if there are questions regarding this request?

Signature _____ Date _____

PLEASE NOTE: If you change insurance companies, you will need to make a new request to the new insurance company. Until your request is processed, the insurance company may continue to send your protected health insurance to the person who is paying for your health insurance.

Form #440-5059 Page 1

Website Tour


<http://tinyurl.com/ORPatientPrivacy>



Supporting Your Patients

- Ensure all clinic staff are aware of and understand the new law.
- Incorporate discussions about confidentiality and the new law throughout the patient's visit.
- Consider clinic processes to assist patients in requesting confidential communication.
- Have hard-copy versions of the form available throughout the clinic.





PROTECTING PATIENT PRIVACY: THE OREGON CONFIDENTIAL COMMUNICATION REQUEST
WHAT PROVIDERS NEED TO KNOW

BACKGROUND

Patient confidentiality is an essential aspect of the patient-provider relationship. When confidentiality is not assured, patients may be reluctant to communicate openly with their health care providers and may delay or even forgo accessing needed care. Sensitive information about the care received by dependents can be inadvertently divulged to the health insurance policy holders (such as parents, guardians or spouses) through billing-related communications. Disclosure of sensitive health information can negatively impact all consumers of health care services, but are most problematic and common for:

- adults of any age whose partner holds the insurance policy,
- minors who may consent to specific health care services and are insured through a parent, and
- young adults (age 18-26) remaining on their parent's health insurance.

Protecting patient privacy and confidentiality does not preclude partner or family involvement in care. Encouraging and helping to facilitate partner and family involvement is an important piece of patient-centered care. Best practices call for providers to balance the need for privacy and confidentiality with appropriate partner and/or family involvement.

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Helping Protect Patient Privacy

- Develop/maintain clear clinic policies on confidentiality (including its limits and ways in which to communicate policies to patients)
- Map patient experience to identify gaps where sensitive information could be inadvertently disclosed
- Routinely ask patients how they would like to be contacted
- Understand CCO policies regarding communications to members



Questions

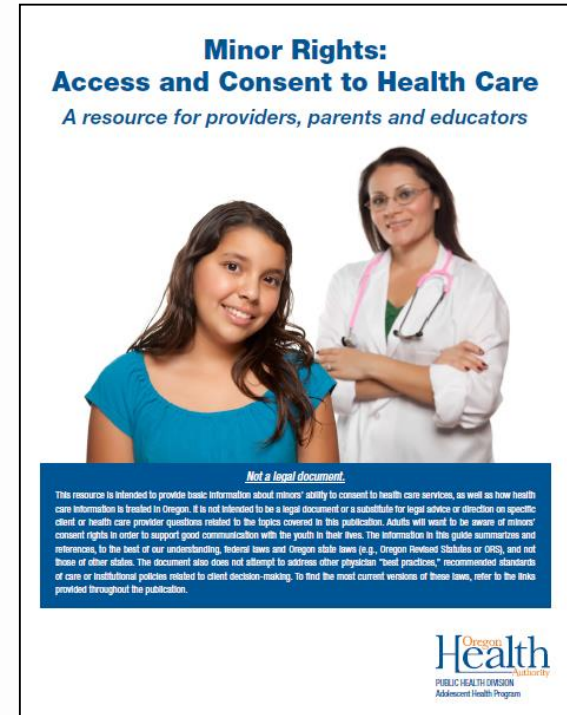
- Confidential communication request process
- Your role
- Challenges



Available Resources

- [Protecting Patient Privacy: The Oregon Confidential Communication Request and What Providers Need to Know](#)
- Client education poster for clinics *in process*
- [Minor Rights: Access and Consent to Health Care](#)
- California Keep It Confidential www.myhealthmyinfo.org
- Confidential and Covered, National Family Planning and Reproductive Health Association (NFPRHA) www.confidentialandcovered.com

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**Minor Rights:
Access and Consent to Health Care**
A resource for providers, parents and educators

Not a legal document.

This resource is intended to provide basic information about minors' ability to consent to health care services, as well as how health care information is treated in Oregon. It is not intended to be a legal document or a substitute for legal advice or direction on specific client or health care provider questions related to the topics covered in this publication. Adults will want to be aware of minors' consent rights in order to support good communication with the youth in their lives. The information in this guide summarizes and references, to the best of our understanding, federal laws and Oregon state laws (e.g., Oregon Revised Statutes or ORS), and not those of other states. The document also does not attempt to address other physician "best practices," recommended standards of care or institutional policies related to client decision-making. To find the most current versions of these laws, refer to the links provided throughout the publication.

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KEEP IT CONFIDENTIAL.

If you are covered under another person's health plan in California—like your parent's or spouse's—your health information will not be kept private unless you...

TAKE ACTION.
It's easy: [Submit a Confidential Communication Request](#) to your health plan provider today.

TAKE 3 SIMPLE STEPS.

- 1 Know your health plan and policy number
- 2 Contact your health plan
- 3 Submit a confidential communications request

The Confidential Communication Request form is available for download in [English](#) and [Spanish](#).

FIND YOUR HEALTH PLAN
Select a Plan

FOR PROVIDERS

You can do this if you:

- Get sensitive services like birth control, STD/pregnancy tests or mental health care
- Think you could be at risk if your private health information about any health care service was shared

SHARE THESE RESOURCES

[f](#) [t](#) [v](#)

Questions?

DOWNLOAD CONFIDENTIAL COMMUNICATIONS REQUEST FORM

NEED HELP?

What are YOUR TA Needs?



Thank You!

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