



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800
Seattle, WA 98104

206-296-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

July 25, 2013

Meg L. Jones

Policy & Rules Manager

Office of the Insurance Commissioner

Post Office Box 40258

Olympia, Washington 98504

Dear Ms. Jones,

I appreciate that the Office of the Insurance Commissioner is considering the topic of confidentiality of health care services, and I am writing to you in response to the Preproposal Letter of Inquiry regarding Commissioner Matter No. R 2013-11 concerning a covered person's health information being made available without their consent.

Throughout King County, people access health services with the understanding that their health information is protected under HIPPA. However, the insurance practice of delivering Explanation of Benefits paperwork to the policyholder both routinely and unintentionally discloses confidential health information for anyone enrolled as a dependent on someone else's policy.

Maintaining confidentiality for all patients is critical to ensuring access to care and patient safety, especially for minors and young adults who have a legal right to access confidential health services, yet who are often dependents on a parent's health plan. For this demographic in particular, the ability to access confidential reproductive health care and family planning services is essential.

Currently, state law requires confidentiality in billing for services only when a written request is submitted (Washington Administrative Code, 284-04-510). In practice, submission of a written request is rare, as both providers and patients have little awareness of this provision. It is also administratively inefficient as each insurer has a unique set of procedures for implementing a confidentiality request for billing.

Therefore, I encourage you to continue engaging stakeholders in the development of new regulations for insurance carriers that will better safeguard confidentiality for all patients. Specific recommendations for new regulations include:

- a common method to request the suppression of the issuance of an Explanation of Benefit (EOB) and other forms of insurance-related communication that will be used by all insurers in Washington state;
- a mandate that insurance carriers convey billing suppression information clearly and consistently to both providers and covered parties;
- a reduction in the amount of information needed for the suppression request;
- a requirement that insurers provide written confirmation of receipt of request;
- an ability for providers to forward the signed request on the patient's behalf;
- mechanisms for enforcement, including penalties for noncompliance permitted under Title 48; and,
- automatic suppression of detailed EOBs or other billing paperwork for all services in which:
 - Section 2713 of the Affordable Care Act requires no patient financial liability
 - the service has existing confidentiality protection (e.g., mental health, STI care) in Washington state by law.

It is my hope that the Office of the Insurance Commissioner will focus on pragmatic solutions that ensure meaningful confidentiality protections. Thank you for the work you have done to date to begin a dialogue on this important issue.

Sincerely,



Dow Constantine
King County Executive