

New Massachusetts Law Increases Patient Privacy for Dependents

Thursday, April 5, 2018

On March 30, 2018, Massachusetts Governor Charlie Baker signed into law a bill intended to provide individuals with more privacy protection from their health insurance companies.

The “Protecting Access to Confidential Health Care” Act (PATCH Act) gives patients the right to control who receives a summary of payment form after care is provided, helping patients who may have health insurance coverage as dependents of another person maintain confidentiality regarding the care they received.

Improved Confidentiality Protection for Dependents

Summaries of payment are typically sent to the primary policy holder, outlining the care received by any enrollee in the policy, including spouses and dependent adult children. The form is meant to explain how and when an insurance plan is being used, however, in providing a form after services have been provided, insurance company may unintentionally compromise patient confidentiality for enrolled dependents who may not want the primary policyholder to know what care has been provided.

The PATCH Act provides confidentiality protection to these individuals by letting patients:

- Opt out of receiving a summary payment form if no money is due,
- Select an address for the form to be sent to
- Choose to be the ones to receive the form rather than the policyholder

Additionally, certain sensitive health care services will not be able to be identified on the form. The Division of Insurance has been tasked with issuing regulations that define what constitutes “sensitive health care services”.

The PATCH Act provides that the Division of Insurance will develop a plan to educate providers and consumers regarding the rights of insured members and the responsibilities of insurance carriers to promote compliance with this the new law.

Important Information for Providers About the PATCH Act

Note: Aside from participation in such education plan, the PATCH Act does not impose burdens on health care providers, like hospitals or physicians. It applies to health plans. However, there are provisions of HIPAA, and potentially Massachusetts confidentiality laws, that can provide similar protections for vulnerable patients.

© 2019 Foley & Lardner LLP

Source URL: <https://www.natlawreview.com/article/new-massachusetts-law-increases-patient-privacy-dependents>



Article By
[Alexis Finkelberg Bortniker](#)
[Lawrence W. Vernaglia](#)
[Foley & Lardner LLP](#)
[Health Care Law Today](#) [Health Law & Managed Care](#)
[Massachusetts](#)