



THE MASSACHUSETTS HOUSE OF REPRESENTATIVES
REPRESENTATIVE KATE HOGAN
THIRD MIDDLESEX DISTRICT
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Hogan's patient privacy bill becomes law

(BOSTON) – Governor Charlie Baker has signed *An Act to protect access to confidential healthcare* into law – Representative Kate Hogan's bill to protect patient privacy. The Governor held a ceremonial bill signing at the State House on Monday, April 2nd, where he was joined by Rep. Hogan, state officials, legislators, healthcare providers, and advocates.

Commonly referred to as the "PATCH Act," Rep. Hogan's bill closes a loophole in healthcare privacy laws that allow sensitive health information to be inadvertently shared with the primary subscriber of a health plan. Currently, when a patient seeks medical care, a Summary of Payments form (SOP), which details the type and cost of services received, is typically sent to the primary subscriber of the health plan. The PATCH Act will protect patient privacy by creating methods by which patients can obtain their own SOP.

"The PATCH Act provides everyone who is a patient the privacy they need to feel comfortable seeking healthcare," said Representative Kate Hogan, Chair of the Joint Committee on Public Health. "There are situations where a patient fears disclosure of certain sensitive services to a family member – such as care related to sexual and reproductive health, domestic violence or sexual assault, or mental health or substance use disorders – and that fear may deter them from seeking care altogether, leading to missed opportunities for prevention and treatment as well as higher healthcare costs down the road. Establishing and ensuring a new level of confidentiality will alleviate a patient's fears of being punished or stigmatized for the healthcare decisions they make and, most importantly, will empower patients to take control of their care and hopefully lead to better health outcomes for our Commonwealth."

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides data privacy and security provisions for safeguarding medical information. Under existing HIPAA laws, the primary subscriber of a health plan could not contact a doctor or hospital and obtain specific information about the care of a spouse or adult child on his or her health plan. However, that information is currently being sent to the primary subscriber in an SOP after medical services are received, violating the right to privacy, guaranteed by HIPAA, for anyone enrolled as a dependent on another person's health plan.

In order to ensure patient privacy, the PATCH Act will:

- Allow patients to choose their preferred method of receiving an SOP, including an alternate address or through HIPAA-compliant electronic means;
- Eliminate an SOP when no remaining balance exists on a claim;
- Require that an SOP would provide generic information only, such as "office visit" or "medical care";
- Ensure that patients are informed of their options to request confidential means of receiving an SOP; and
- Require that the Division of Insurance and Department of Public Health educate providers and patients on these protections.

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Representative Kate Hogan

Representative Kate Hogan represents the Third Middlesex District, which includes the towns of Bolton, Hudson, Maynard, and Stow. She currently serves as the House Chair on the Joint Committee on Public Health. Rep. Hogan can be reached by phone at 617-722-2130 or by email at Kate.Hogan@MAhouse.gov. You can also connect with Rep. Hogan on Facebook ([facebook.com/kate.hogan.948](https://www.facebook.com/kate.hogan.948)) or Twitter (@repkatehogan).



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