

## Keeping your health information private when you're on someone else's insurance: the PATCH Act

### *The Basics*

If you're covered under someone else's health insurance, like your parent's or your spouse's plan, you may be able to keep information about your health care private. A Massachusetts law called the PATCH Act (for **P**rotecting **A**ccess **T**o **C**onfidential **H**ealthcare) may allow you to have your health insurance plan send forms about the services you've gotten to an address different from your parent's or spouse's, or to a private online link.

### *What are SOPs/EOBs and why should I care?*

When you get health care services, like going to the doctor or getting a lab test, the health insurance plan sends a form called a Summary of Payments (SOP) or Explanation of Benefits (EOB). The SOP/EOB lists when you got the services, the name of the healthcare provider, what type of services you got, and information about how much the insurance is paying for the services. The SOP/EOB gets sent to the address of the person who signed up for the health insurance (called the "subscriber" or "policyholder").

If you don't want your parent/spouse to know that you've gotten health care services, you may be able to have the SOP/EOB forms sent to a different address or to a confidential online patient portal. You must call your insurance plan to see if this is an option. The health insurance plan isn't allowed to ask why you want your forms to go to a different address or online portal, so you don't have to answer questions about this or explain your request.

### *Protecting privacy of sensitive services*

The PATCH Act also protects confidentiality by prohibiting health insurance plans from listing "sensitive" healthcare services on SOP/EOB forms. Sensitive services include, among others:

- HIV or sexually transmitted infection tests or treatment
- HIV PrEP or PEP
- mental health care
- alcohol, tobacco, or drug treatment
- viral hepatitis tests or treatment
- gender affirmation/transition services
- birth control/pregnancy tests
- sexual assault or domestic violence-related services

So, for example, instead of listing "HIV counseling and testing" as the service received, the SOP/EOB would say something like "office visit."

For more information about privacy protections and the PATCH Act, please visit the [Frequently Asked Questions](#) at the [Health Care for All](#) website.

### *So, how do I use the PATCH Act?*

If you want to ask your insurance plan to send your SOP/EOB to a different address or to an online patient portal, you will need to have:

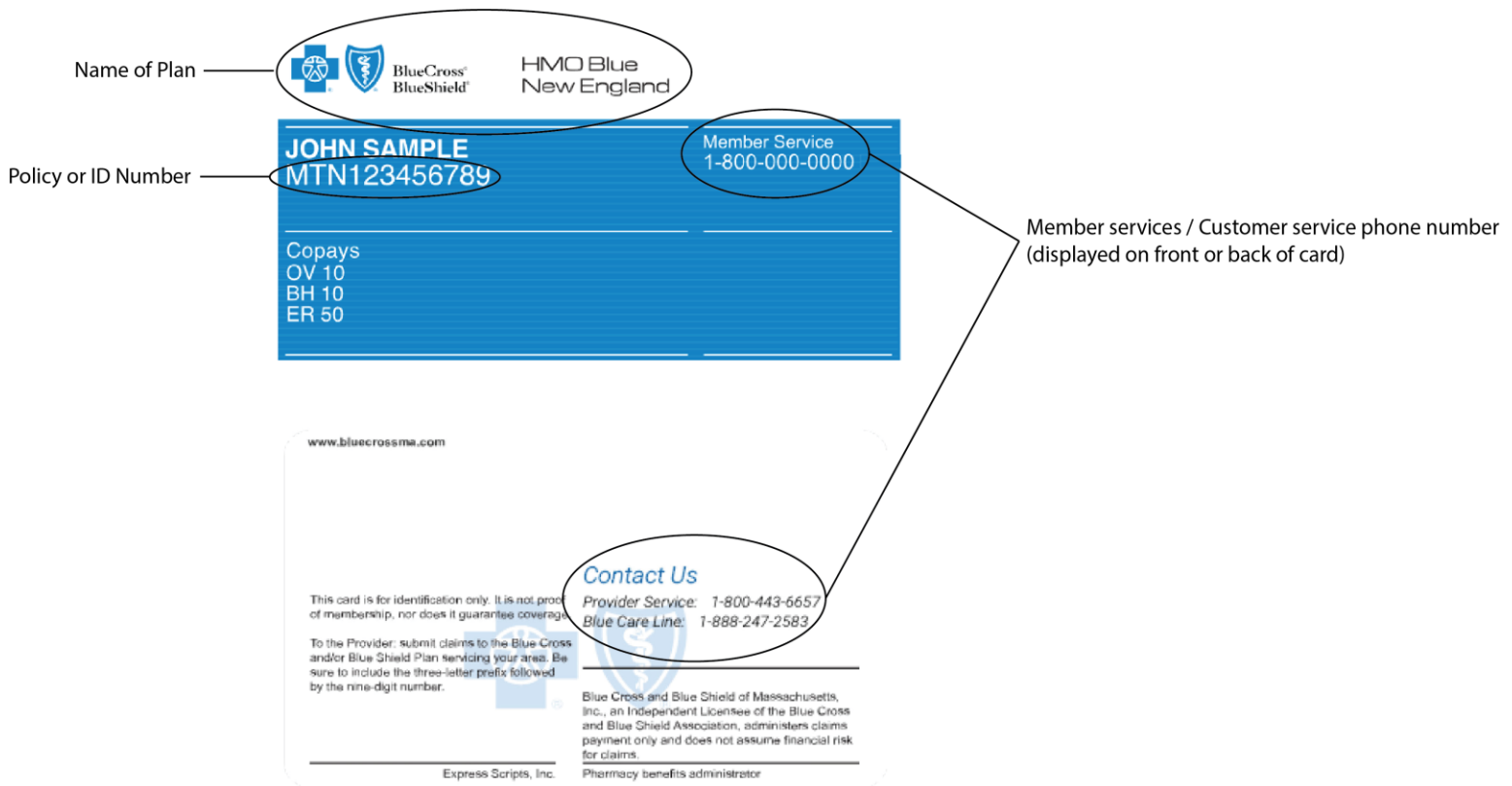
- the name of your health insurance plan

- the policy number
- the member/customer service phone number
- the name and date of birth of the insurance subscriber/policyholder (the person who signed up for the insurance)

This information, except for the name and date of birth of the policyholder, should be on your health insurance card (see the sample insurance card diagram for where you might find this information on your own card).

You should have your insurance card (or the relevant information from the card) with you when you call member/customer service at your insurance plan (the phone number is often on the back of your insurance card).

### Sample Insurance Card Diagram



### Here's what to say when calling your insurance plan

When you talk to a plan customer service representative, you can use the following script as a guide of what to say:

- Hi, my name is \_\_\_\_\_.
- My policy number is \_\_\_\_\_. [read number from card]
- I'm covered under my parent's/my spouse's health insurance policy.

- Under the Massachusetts Protect Access to Confidential Healthcare Act, I would like to request that my Summary of Payments or Explanation of Benefits forms be sent to me: [pick either #1 or #2]
  - #1: in the mail at this address, \_\_\_\_\_ [give address if you want to get a printed copy]
  - #2: through an online insurance patient portal
- Can you please let me know if I need to put my request in writing and how to do that if I need to?
- Can you please send confirmation when my request has been processed? The best way to reach me is \_\_\_\_\_ [pick one: on my cell phone, by email, by mail, through the online patient portal]. My contact information is \_\_\_\_\_ [give cell number, email, or mailing address]
- Is there any other information that you need from me or that I should know from you?
- Thank you for your help with my request.

*Any questions about this?*

If you have questions, email Amy Rosenberg at the Center for Health Law & Policy Innovation at [arosenbe@law.harvard.edu](mailto:arosenbe@law.harvard.edu)

## **GLOSSARY**

**Explanation of Benefits (EOB)** – form sent by health insurance companies after health services are received that lists various information about the services (also known as Summary of Payments/SOP)

**PATCH Act** – Massachusetts law that allows some people who are covered under someone else’s health insurance plan to keep information about some health services private (PATCH = Protecting Access To Confidential Healthcare)

**Policyholder** – the person who signed up for the health insurance (also known as the “subscriber”)

**Sensitive healthcare services** – health services that people may prefer to keep private (like HIV or STD testing or treatment, birth control or pregnancy tests, or sexual assault services)

**Subscriber** – the person who signed up for the health insurance (also known as the “policyholder”)

**Summary of Payments (SOP)** – form sent by health insurance companies after health services are received that lists various information about the services (also known as Explanation of Benefits/EOB)