

Frequently asked questions

Washington state privacy bill: Change to member communications

What is this change about?

Our goal is to give our members personalized communications whenever possible. Starting in January, we will automatically send communications about sensitive health conditions directly to members age 13 and older of Washington-state based health plans rather than sending those communications to the subscriber. Younger members can contact us to make similar arrangements. This is part of a new Washington state law—Washington Senate Bill 5889—that takes effect Jan. 1, 2020.

What does this mean?

This means that communications about sensitive conditions will go to the person who received the care if they are 13 and older (or are younger and have made arrangements), rather than to the subscriber, the person who signed up for health insurance. Previously, these communications went to subscribers, who could see, for example, all claims for all members they have covered. Exceptions were made for any member with a Confidential Communication Authorization on file; those communications went to the member only.

Why is this important?

We recognize the importance of member privacy, and we are committed to keeping health information private for any members, including minors, who might be vulnerable if it were shared.

What's a sensitive condition?

The Washington law defines sensitive health care services as those for:

- Domestic violence
- Gender-affirming care
- Gender dysphoria
- Mental health
- Reproductive health
- Sexually transmitted diseases
- Substance use disorder

What kind of information is included?

- Bills and attempts to collect payment
- Explanations of benefits (EOB) statements, printed and online
- Notices of contested claims
- Notices of adverse benefits determinations
- Provider name and address, description of services provided, other visit information
- Any written, oral or electronic communications from us that include references to protected health information
- Requests for additional information about a claim

Whom does this affect?

This change in communications affects all members of Washington state-based health insurance plans who are members of fully insured plans (Individual, Small Group and Large Group). Please note that the Health Care Authority, which is self-insured, also has opted in to default to member-level communication. The new law does not apply to other self-insured plans. Those plans will see a change to explanations of benefits statements (EOBs), which will now go directly to members, but other communications will not be affected.

What types of communications does this cover?

This change covers print, digital (online), voice, email and chat communications, including calls to Customer Service that include information about sensitive conditions.

Those who have opted in to digital communications online, such as EOBs, will see only member-level information.

What if I have turned on family sharing online?

Family sharing will enable the subscriber to see claims for the member, except claims for sensitive conditions. EOBs will be accessible only on the member's online account or in print. Each member age 13 and older should register for an online account to see EOBs online.

How do members get access to their personalized information?

Members ages 13 and older will get information, including EOBs, mailed directly to them at the address we have on file. Or they can register at [regence.com](https://www.regence.com) and view information through their online account. Members younger than 13 can contact us if they want to direct communication to someone other than the subscriber, as we have constraints on how we may communicate with them.

Does this mean a parent cannot have information about a dependent child automatically sent to them?

Communications about sensitive conditions will go directly to the member. If a subscriber wants access to information about an adult dependent or a child age 13 or older, the dependent or child must decide whether to grant authorization for that access.

What would an example of this communication be?

Starting Jan. 1, 2020, a parent who calls Customer Service and has a question about a child's treatment for anxiety, for example, could not receive information unless the child has authorized our customer service professionals to discuss it with that parent. Anxiety is considered a sensitive condition because it falls under mental health care.

What if a member younger than 13 wants to have information go only to them?

Members younger than 13 can contact us if they want to direct communication to themselves or someone other than the subscriber, as we have constraints on how we may communicate with them.

How do members give authorization for access to their information, or to ensure privacy?

If a member, such as a minor dependent, wishes to have their information shared with a subscriber, or parent, he or she can submit a form that allows that information to be shared.

Note that this form allows such disclosure for two years and would need to be resubmitted when that time expires to allow continued sharing. All relevant privacy and disclosure forms, plus other information about this change can be found at [regence.com/go/memberprivacy2020](https://www.regence.com/go/memberprivacy2020).

How do members register for an online account?

We encourage all members 13 or older to register for an online account. Members can do this by going to [regence.com](https://www.regence.com) and clicking "Register now."

Are all health insurance companies doing this?

We recognize the importance of member privacy, and we are committed to keeping health information private for any members, including minors, who might be vulnerable if it were shared. All Washington state-licensed health insurance companies are required by law to direct communications about sensitive conditions to the member under Senate Bill 5889.

