



Protect Patient's Privacy of Confidential Medical Information

Ensure that you are protecting health information in your practice.

Effective July 1, 2022, Assembly Bill 1184 amends the Confidentiality of Medical Information Act (CMIA), which requires health care plans or health care providers to protect a subscriber or enrollee's privacy. AB 1184 prohibits the disclosure of medical information related to sensitive services to anyone other than the enrollee without the individual's express written authorization, including the policyholder or parent of a minor patient.

A subscriber or enrollee can now request "confidential communications" for all communications regarding the individual's medical information. If the confidential communication is available in the individual's preferred requested form and format, or at alternative locations, Providers shall permit and accommodate the request.

The confidential communication request shall apply to communications that disclose:

- Medical information or
- Provider name and address related to receipt of medical services by the individual requesting the confidential communication
- Sensitive services

Sensitive services are defined as all health care services related to:

- Mental or behavioral health.
- Sexual and reproductive health.
- Sexually transmitted infections.
- Substance use disorder.
- Gender affirming care, and
- Intimate partner violence.

Pursuant to state or federal law, a "Protected individual" is:

- Any adult subscriber or member covered under a health plan or health insurance policy, or
- A minor subscriber or member who can consent to a health care service without the consent of a parent or legal guardian

"Protected individual" does not include an individual that lacks the capacity to give informed consent for service. For protected individuals who may not have designated an alternative mailing address, the Provider is required to send the communications to the address or phone number on file in the name of the protected individual.

Follow these guidelines to protect member's privacy:

- A protected individual (member) who has the right to consent to care is not required to obtain authorization from the primary subscriber to receive or submit a claim for sensitive services.
- Communications (written, verbal or electronic) regarding a member's receipt of sensitive services should be directed to the member's designated mailing address, email address, or phone number.
- Do not disclose a member's medical information related to sensitive health care services to the primary subscriber or other enrollees unless the member's authorization is present.
- Confidential communication includes:
 - The name and address of a provider, description of services provided, and other information related to a visit.
 - Any written, oral, or electronic communication that contains protected health information.
 - Bills and attempts to collect payment.
 - A notice of adverse benefit determinations.
 - An explanation of benefits notice
 - A request for additional information regarding a claim.
 - A notice of a contested claim.

If you would like to read more about this regulation, please see below:

[https://www.dmh.ca.gov/Portals/0/Docs/OPL/APL%2022-010%20\(OPL\)%20Guidance%20Regarding%20AB%201184%20\(3 17 22\).pdf?ver=2022-03-17-170456-643](https://www.dmh.ca.gov/Portals/0/Docs/OPL/APL%2022-010%20(OPL)%20Guidance%20Regarding%20AB%201184%20(3%2017%2022).pdf?ver=2022-03-17-170456-643)

If you have any questions regarding this Bulletin, please contact the Provider Relations Department at capr@aidshealth.org.

Thank you for your cooperation.