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To: All Medi-Cal Providers & IPAs

From: IEHP – Provider Relations

Date: June 5, 2023

Subject: Updates to AB 1184 Requirements: Confidential Communication of Medical Information Involving Sensitive Services

Inland Empire Health Plan (IEHP) would like to share a reminder about confidential communications requested by Members and updates to the **FAQs related to California Civil Code Section 56.107 (AB 1184)**.

The revision transfers the responsibility of maintaining the confidentiality and privacy of a Member’s information from the Member to the Health Care Providers, Plans, and Insurers.

Effective July 1, 2022, **health care service plans and providers must accommodate requests for confidential communication of medical information regarding *sensitive services for protected individuals*.**

*Please make note of the **updates below** related to the question **“What will be expected of IEHP, Providers and IPAs?”**

QUESTIONS	ANSWERS
What are “Sensitive Services?”	<u>All</u> health care services related to mental health, reproductive health, sexually transmitted infections, substance use disorder, transgender health, including gender affirming care, and intimate partner violence, and included services, as specified.
Who are “Protected individuals?”	A covered adult or a minor who can consent to a health care service without the consent of a parent or legal guardian. This does not include an individual that lacks the capacity to give informed consent for health care pursuant to existing law.
What does this mean?	AB 1184 requires all communications regarding a protected individual’s (including a minor) receipt of sensitive health care services are sent directly to the protected individual and prohibits the disclosure of that information to the policyholder, primary subscriber, or any plan Member or insureds without the authorization of the protected individual, as provided.
What communications are included?	<p>Communications (written, verbal or electronic communications) regarding a protected individual’s receipt of sensitive services include:</p> <ul style="list-style-type: none"> ○ Bills and attempts to collect payment. ○ A notice of adverse benefits determinations. ○ An explanation of benefits notice. ○ A plan’s request for additional information regarding a claim. ○ Notice of a contested claim. ○ The name and address of a provider, description of services provided, and other information related to a visit.

	<ul style="list-style-type: none"> ○ Any written, oral, or electronic communication from a plan that contains protected health information.
Examples:	<ul style="list-style-type: none"> ○ If the protected individual has designated an alternative mailing address, email address, or telephone number, health plans/insurers are required to send or make all communications related to the protected individual’s receipt of sensitive services to the alternative mailing address, email address, or telephone number designated; and, ○ If the protected individual has not designated an alternative mailing address, email address, or telephone number, health plans and insurers are required to send or make all communications related to the protected individual’s receipt of sensitive services in the name of the protected individual at the address or telephone number on file.
<p>UPDATES BOLDED: What will be expected of IEHP, Providers and IPAs?</p>	<ul style="list-style-type: none"> ○ Providers must accommodate requests for confidential communication of medical information (“CCR”) if they involve sensitive services or any requests by Members for all medical information to be communicated to an alternative mailing address, email address or telephone number. <p><u>Members are educated by the plan to contact their Providers directly to make requests for confidential communication of medical information that is sent to them by the Provider’s office. The plan assumes responsibility for confidential communication updates of communications sent by the plan and its IPAs.</u></p> <ul style="list-style-type: none"> ○ IEHP must notify Members that they may submit a CCR, how they may submit a CCR, and provide required information about CCRs upon initial enrollment, annually upon renewal, and on the health plan’s website. Members should be directed to IEHP Member Services to request a CCR. ○ IEHP intends to monitor IPAs’ compliance with AB 1184. The plan has implemented a process to advise IPAs via files delivered through SFTP if a Member assigned to the IPA has requested a CCR and assist the IPA with compliance.

Please also note that these provisions have been outlined in the DMHC’s [APL 22-010](#). You will find this letter and all other DMHC All Plan Letters by visiting DMHC’s website: <https://www.dmhc.ca.gov/licensingreporting/healthplanlicensing/allplanletters.aspx>

All communications sent by IEHP can also be found on at: www.iehp.org > For Providers > Plan Updates > Correspondences

For questions, please contact the Provider Call Center at (909) 890-2054, (866) 223-4347, or providerservices@iehp.org.