



CRITICAL OPPORTUNITIES FOR PUBLIC HEALTH LAW:

Health reform and the preservation of confidential health care for young adults.

Ryan Cramer & Lauren Slive

A PROBLEM

- *A major issue facing the health of young adults is the often unintentional lack of confidentiality maintained in the provision of sensitive health services.*
- *Young adults who remain on their parents' health insurance plans may forgo sensitive services such as STD screening and treatment, family planning services and mental health treatment out of a concern that explanation of benefits will inform their parents, the policyholders.*
- *These challenges have become more prominent and concerning following the passage of the Affordable Care Act, as adult children can now remain on their parents' plans until the age of 26.*
- *While the ACA will grant more young adults access to health care services, ensuring confidential care remains a challenge whenever the parent and not the patient is the policyholder.*

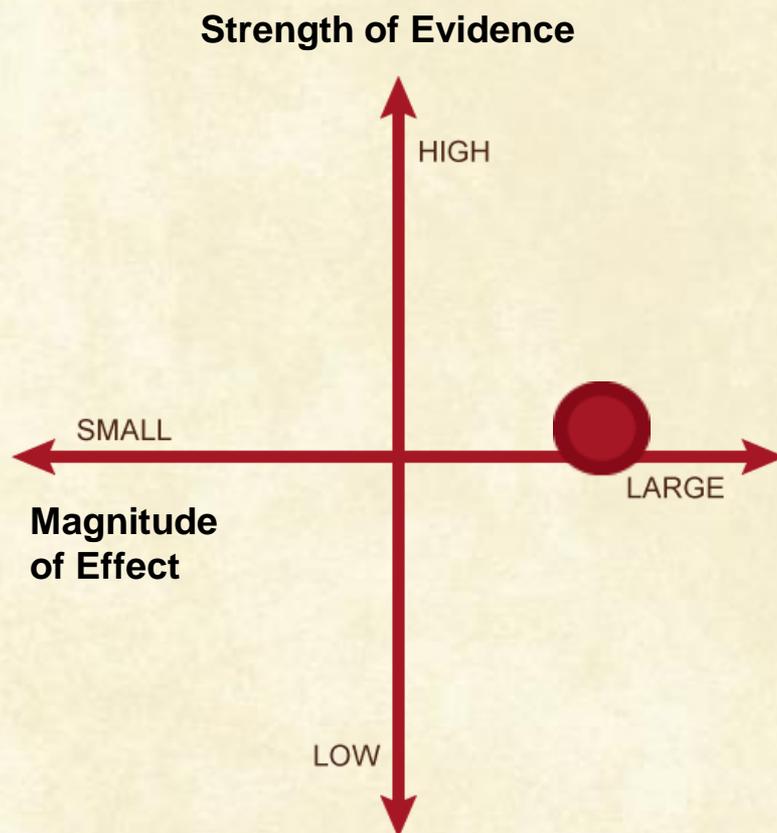
WHERE DOES LAW FIT IN?



Health Insurance Portability and Accountability Act

- The HIPAA Privacy Rule requires confidentiality of protected health information (PHI), but there is an exception when the disclosure relates to payment. However, only the minimum necessary information may be disclosed.
- When no payment is required from the parent policyholder, it should be clarified that HIPAA requires confidentiality be maintained for young adult patients.
- The Health Information Technology and Economic and Clinical Health (HITECH) Act strengthens the HIPAA Privacy Rule. Regulations should be promulgated to implement the HITECH provision that allows patients to demand that confidentiality be maintained when services are paid for in full out-of-pocket.

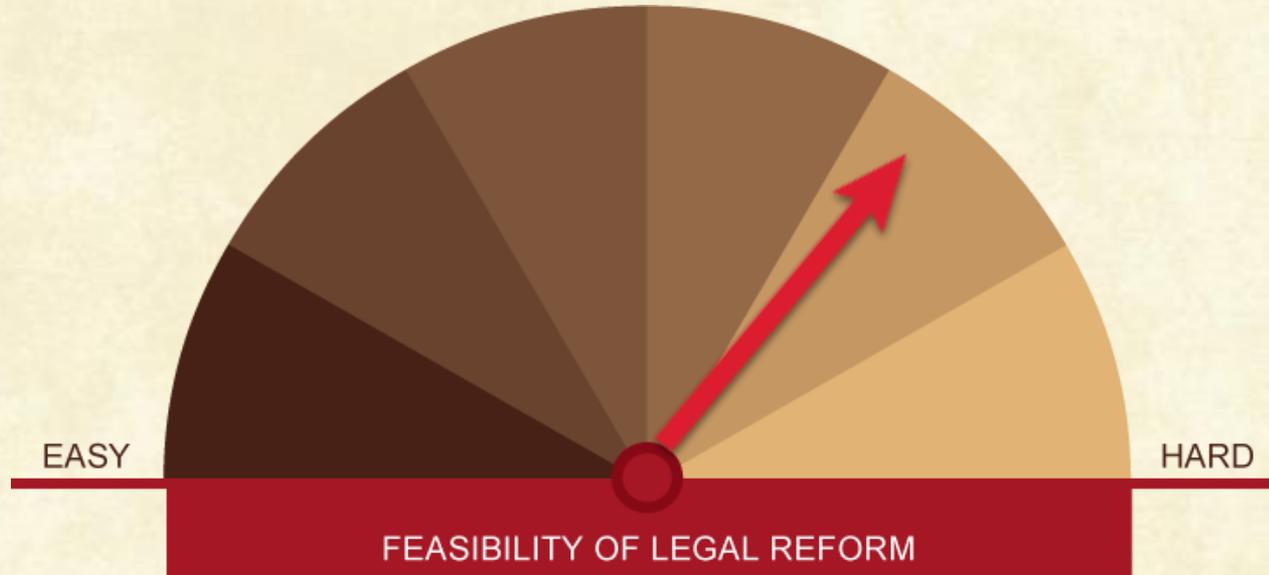
EVIDENCE SUPPORTING THE REFORM



Strength of Evidence:

- Widespread anecdotal reports that this is a serious issue.
- Substantial academic interest in the problem.
- It is known that confidentiality is important for minors seeking sensitive services, though no study has been done to investigate this particular issue of young adults on their parents' insurance plans.

A WAY FORWARD



Feasibility:

- **Business** → Potential to alienate customers (parent-policyholders)
- **Political** → Challenging to argue for the exclusion of parents
- **Practical** → Gaps remain when services result in financial liability for the policyholder and the young adult is unable to pay to preserve privacy
- **Ethical** → Paying for privacy?
- **Public sector interest** → Privately-insured individuals externalizing costs when they use publicly funded confidential clinics