



Office of the  
Healthcare  
Advocate  
STATE OF CONNECTICUT

Testimony of the Office of the Healthcare Advocate  
Before the Insurance and Real Estate Committee  
Re SB 159  
March 1, 2016

Good afternoon, Senator Crisco, Representative Megna, Senator Hartley, Representative Zoni, and members of the Insurance and Real Estate Committee. For the record, I am Demian Fontanella, General Counsel for the Office Healthcare Advocate (“OHA”). OHA is an independent state agency with a three-fold mission: assuring consumers have access to medically necessary healthcare; educating consumers about their rights and responsibilities under health plans; and, informing you of problems consumers are facing in accessing care and proposing solutions to those problems.

OHA appreciates the opportunity to comment on SB 159, AAC The Insurance Department’s Market Conduct Authority and Data Call Confidentiality, in particular, Section 2 which seeks to broaden the exemptions for “Data provided in response to a data call under this section shall not be subject to disclosure under section 1-210”.

The proposed language is overly broad and appears to expand the already extensive protections available to respondents concerning requests for data by the Connecticut Insurance Department (“CID”). C.G.S. 1-210 currently exempts disclosure of an exhaustive list of information, including trade secrets, cost data, customer lists, commercial or financial information given in confidence, not required by statute, and more.

The lack of a statutory definition of what specifically constitutes a “data call” by the CID risks the inclusion of nearly any data that the CID requests from insurers in the conduct of an investigation, which is also undefined and could be very broadly applied. Indeed, the current statute concerning the CID’s authority to conduct hearings and investigations in C.G.S. 38a-16 has remained unchanged since it was codified 30 years ago, with only one instance of inconsequential technical changes to the language in 2009. Therefore, it is unclear why this legislation is necessary at this time. The concluding sentence of Section 2 is also unclear. It states that the “commissioner may disclose data that has been aggregated with data provided by other participants responding to the data call and that does not identify any individual participant”.

Given the ambiguity of the proposed language, the scope and possible extension of this additional exclusion to include data that the CID currently collects and reports on concerning Connecticut’s health insurers and the consumer experience, OHA must respectfully oppose the proposed language in Section 2 of SB 159 at this time. We have raised concerns about this bill with the CID with the hope of reaching a compromise to narrow the scope of this proposal.

At a time when transparency and data is more important than ever for consumers to make informed choices about their healthcare and health insurer, as well as to help inform policy reforms that the state must continue to pursue.

Thank you very much for your persistence and commitment to this timely and important issue. If you have any questions concerning my testimony, please feel free to contact me at [demian.fontanella@ct.gov](mailto:demian.fontanella@ct.gov).