



Legislative Testimony
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**Written Testimony Supporting
House Bill 5254, An Act Requiring Health Insurance Coverage for
Medication-Assisted Treatment for Opioid Use Disorder,
House Bill 5256, An Act Concerning Required Health Insurance
Coverage for Detoxification and Substance Abuse Services, and
House Bill 5247, An Act Concerning Explanations of Benefits**

Senator Lesser, Representative Scanlon, Ranking Members Kelly and Pavalock-D'Amato, and distinguished members of the Insurance and Real Estate Committee:

My name is Kelly McConney Moore, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of the following bills:

- House Bill 5254, An Act Requiring Health Insurance Coverage for Medication-Assisted Treatment for Opioid Use Disorder
- House Bill 5256, An Act Concerning Required Health Insurance Coverage for Detoxification and Substance Abuse Services
- House Bill 5247, An Act Concerning Explanations of Benefits

We strongly encourage the committee to support all three bills.

House Bill 5254 and House Bill 5256

Today, there is widespread recognition that addiction is, fundamentally, an illness to be treated. In fact, opioid use disorder is a disability protected under the Americans with Disabilities Act.¹ Due process of law requires that a person not be criminally punished for conduct that is the result of an illness. Moreover, addressing the public health problem of drug addiction through criminal law is

¹ See "Drug Addiction and Federal Disability Rights Laws," U.S. Dep't of Health and Human Services, Office for Civil Rights (Oct. 25, 2018), available at <https://www.hhs.gov/sites/default/files/drug-addiction-aand-federal-disability-rights-laws-fact-sheet.pdf>.

inappropriate, ineffective, a major driver of violations of civil liberties, and a massive contributor to mass incarceration.

Connecticut is currently in the midst of an opioid epidemic which is worsening, not improving.² Connecticut residents are more likely to die from unintentional drug overdose than a motor vehicle accident.³ We need to respond with public health and epidemic responses to combat the rising number of deaths.

House Bills 5254 and 5256 recognize that drug use and addiction disorders are, indeed, health concerns, rather than criminal problems, and require them to be addressed as such by health insurers. Community-based solutions often cost far less, and they use strategies that work, including individualized treatment plans with, long-term counseling and support. For this reason, the ACLU-CT supports House Bill 5254 and House Bill 5256. We urge this Committee to support House Bills 5254 and 5256 as well.

House Bill 5247

The ACLU-CT supports the right to health care privacy. This bill would take steps to protect that privacy by allowing people who share a health insurance plan with others and who are authorized to consent to their own health care to keep the details of their health care private. The bill would require a health insurance carrier to suppress an explanation of benefits or send an explanation of benefits to an alternate address if a person insured by the carrier so requests. Explanations of benefits contain confidential health care information, including information about medical care that people seek and receive. This is often information that people want to keep private, so people who can consent to their own health care should have the option to protect the details of that health care. By allowing people to suppress their explanations of benefits or direct that insurance carriers send them

² See “3-Month Rolling Average Rate per 100,000 Population and Count of ED Visits for ‘Suspected Drug Overdose’ Syndrome in Connecticut, by County of Residence, 2019.” CT Dep’t of Public Health (Oct. 17, 2019), available at https://portal.ct.gov/-/media/DPH/Injury-Prevention/Opioid-Overdose-Data/Final_Drug_ED_Maps_Mar_2019toSep_2019.pdf?la=en.

³ Opioids and Prescription Drug Overdose Prevention, CT State Dep’t of Public Health, available at <https://portal.ct.gov/DPH/Health-Education-Management--Surveillance/The-Office-of-Injury-Prevention/Opioids-and-Prescription-Drug-Overdose-Prevention-Program#Data>.

to alternate addresses, rather than directly to policyholders, people can maintain their health care privacy.

While health care confidentiality is important for everyone, it is particularly important for minors who can legally consent to medical procedures, young adults, and people in abusive or coercive relationships. Today, adults up to the age of 26 are able to remain on their parents' health insurance plans. People who are able to consent to medical procedures who share health insurance policies with their parents should be able to access medical care without the threat of their parents receiving the details of their doctor visit. This is especially important in the area of reproductive health care, as minors and young adults may wish to keep private the fact that they are seeking birth control, testing for sexually transmitted infections, or the termination of a pregnancy. Not every minor or young adult can safely share their personal health care information with their family. Victims of domestic violence who share a health insurance plan with their partner also should have the right to privately and safely seek and receive health care. Keeping their explanation of benefits private and out of the hands of abusive and coercive partners may enable them to stay safe.

Importantly, this bill would require health insurance carriers to act quickly after receiving a request from an insured person to suppress or redirect transmission of an explanation of benefits. The bill also prohibits insurers from requiring an insured person to explain their request and prohibits insurers from requiring a person to waive their right to limit disclosure.

Recently, nearby Massachusetts enacted a similar law, signed by Republican Governor Charlie Baker, to protect patients' privacy by allowing patients to choose how and if their explanation of benefits is shared with another insurance policyholder. Connecticut can and should be the next state to protect patients' privacy rights.

We strongly encourage the committee to support House Bill 5247.