

May 21, 2012

Dear Colleague:

Over the past few months, medical providers caring for unemancipated minors living with HIV/AIDS have brought forth issues of concern related to HIV confidentiality for young adults who have not disclosed their HIV status to parents. Beginning in 2010, the New York State Office of Health Insurance Programs (Medicaid) enacted changes in the benefit that required recipients with HIV to join a Medicaid Managed Care Plan. This change has highlighted the need for enhanced communication between HIV service providers, their patients, and the Medicaid Managed Care Plans that coordinate care. I am taking this opportunity to reiterate information relative to the care of minors that you are likely to be aware of and some additional information that I hope will be of value in facilitating the care and treatment of young adults living with HIV/AIDS.

The issues that have been brought to the attention of the AIDS Institute are concerns regarding:

- Medicaid Managed Care Organizations that may issue “Explanation of Benefit (EOB)” reports to parents who may be unaware of their young adult’s HIV status.
- Inability of unemancipated minor members to have access to their health insurance information/benefit card.

To enable an informed response to these issues, the AIDS Institute conducted a brief survey with Medicaid Managed Care Plans across New York State. We received a response rate of 50 percent. All of the respondents expressed a willingness to assist a minor member who is seeking HIV treatment and has not disclosed to their parent. Specifically, all respondents indicated that minor members are:

- Able to “opt out” for EOB notifications mailed to the policy holder.
- Able to have an insurance identification card mailed to an address other than the address of record of the policy holder.

To assist the minor in requesting an EOB “opt out” or having an insurance card mailed to an alternate address, it is imperative that the minor notify the plan’s case manager or member services. I am requesting your assistance in educating our young adult consumers on these options. Moreover, providers with a completed patient release of HIV information can facilitate communication with the plan case manager or member services to ensure information is managed in accordance with the patient’s desires.

As accessing electronic medical records through patient portals becomes more widely used, it is also important to avoid inadvertent disclosure of HIV status to parents unaware of their young adult’s HIV status. Unemancipated minor members are not issued their own secure login

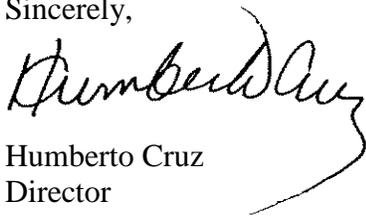
identification. The parent is issued the login identification. Again, the plan case manager or member services should be notified before issues arise.

The rights of the unemancipated minor for the communication of medical information are protected under NYS Public Health Law and the HIPAA Administration Simplification Regulation of 2006 45CFR Part 164 § 164.502, Uses and Disclosures of Protected Health Information: general rules (g) (3) and (h). Additional information is available on the web at: <http://www.hhs.gov/ocr/privacy/hipaa/administrative/privacyrule/adminsimpregtext.pdf>

Again, we encourage you to assist youth to work with their plan's case manager or member services to address specific issues of concern. If you are unable to resolve issues and need to initiate a complaint regarding a managed care plan, please call the NYS Department of Health, Bureau of Managed Care Certification and Surveillance, at 1-800-206-8125.

As you are aware, it is a goal of our programs to assist young adults living with HIV/AIDS in managing HIV disclosure issues. Young adults whose parents are not involved with them or for whom it may be unsafe to involve parents need supportive relationships to achieve optimal medical outcomes. Those supportive relationships are frequently found in the programs you provide. Thank you for serving the needs of young adults living with HIV/AIDS.

Sincerely,

A handwritten signature in black ink, appearing to read "Humberto Cruz", with a long, sweeping flourish extending from the end of the signature.

Humberto Cruz
Director
AIDS Institute