

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 75-FN, providing health insurance carriers access to the state immunization registry and making an appropriation therefor.

Hearing Date: January 29, 2025

Time Opened: 10:38 a.m.

Time Closed: 11:15 a.m.

Members of the Committee Present: Senators Rochefort, Birdsell, Prentiss and Long

Members of the Committee Absent: Senator Avard

Bill Analysis: This bill allows health insurance carriers to access the state immunization registry and makes an appropriation to the department of health and human services for this purpose.

Sponsors:

Sen. Rosenwald

Sen. Prentiss

Who supports the bill: In total, 26 individuals signed in in support of SB 75-FN. The full sign in sheets are available upon request to the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov)

Who opposes the bill: In total, 116 individuals signed in in opposition of SB 75-FN. The full sign in sheets are available upon request to the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov)

Who is neutral on the bill: In total, 2 individuals signed in as neutral on SB 75-FN. The full sign in sheets are available upon request to the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov)

Summary of testimony presented:

Jennifer Gallagher, Executive Assistant for the Senate Minority Office

- Ms. Gallagher stated that she is introducing this bill on behalf of Senator Rosenwald.
- This bill is a request of Harvard-Pilgrim. It allows insurance carriers to access the state's immunization registry.
- Ms. Gallagher explained that insurance carriers are subject to the HIPAA privacy rule, which means they know how to follow federal privacy and security guidelines.

- Insurance carriers are evaluated by the National Committee for Quality Assurance (NCQA) on several factors, including the percentage of adult members who are up to date on a number of immunizations.
- Carriers may not always have this information available, so being able to access the state's immunization registry would be helpful.

Representative Yury Polozov, Merrimack – District 10

- Representative Polozov stated that he is speaking in opposition to this bill, as he believes it will be harmful to New Hampshire residents.
- Representative Polozov said the Immunization Information System (IIS) is incomplete and does nothing to notify the public and decision-makers of high levels of side effects from certain vaccinations.
- He noted that any database encroaches on the privacy of individuals.
- Representative Polozov raised concerns about how this information will be used by insurance carriers, and cited an instance in which a woman was removed from a kidney transplant list by Dartmouth Hitchcock because she did not receive a COVID-19 booster.
- Representative Polozov explained that while the Patients' Bill of Rights requires that immunization status not be a basis for denying medical care, individuals are still being denied care because of their vaccination status.
- Representative Polozov said that while one would hope that insurance companies would be financially incentivized to keep individuals healthy, that is no longer the case.

Peter Bragdon, Harvard-Pilgrim

- Mr. Bragdon stated that he is speaking in support of this legislation, as it is a request of Harvard-Pilgrim.
- Mr. Bragdon explained that health plans need accurate information on the immunization status of their enrollees. This information is both used in outreach for enrollees and by accreditation agencies in developing quality ratings for health plans.
- Health plans do not always have the most up-to-date information on their members, possibly due to members increasingly switching plans or carriers each year and vaccines becoming increasingly available at sites where individuals do not have to present an insurance card.
- Mr. Bragdon explained that insurance companies use immunization information to better communicate with their members and providers. Not having accurate information could lead to confusion or individuals receiving immunizations that they do not need.
- He assured the committee this bill is not related to the COVID-19 vaccine. This is specifically targeting immunizations for influenza, tetanus, diphtheria,

pertussis, pneumonia, and chicken pox. He noted it may include other childhood diseases for children specifically.

- Mr. Bragdon explained that not having this information can have disproportionate negative impacts on small regional carriers like Harvard-Pilgrim. Harvard-Pilgrim only operates in Rhode Island, Massachusetts, Maine, and New Hampshire. While other states provide access to their immunization registries in a batch mode, not having access to New Hampshire alone is 25% of their coverage area.
- Mr. Bragdon explained that quality rating was previously based on relatively small sample sizes, but now they cover all members. Allowing queries to the immunization registry will bring efficiency to the system and would reduce the administrative work required for provider office staff.
- He noted that Harvard-Pilgrim is committed to safeguarding protected and personal health information. He emphasized that they are in compliance with HIPAA and applicable state and federal laws.
- Senator Prentiss clarified that insurance carriers will simply be bringing in data from this system that already exists and is already collecting this information.
- Mr. Bragdon confirmed and emphasized that this is only for members that they do not already have information on.
- Senator Birdsell asked why carriers cannot just ask the members themselves for this information, presuming that it is a relatively small number of members they do not have information on.
- Mr. Bragdon said he is not certain as to whether or not it is a small number.
- Senator Birdsell asked how insurance carriers would deal with individuals who choose not to get certain immunizations, and if this would affect premiums.
- Mr. Bragdon said this will not affect premiums, as they are a result of dollars in vs. dollars out.
- Senator Rochefort acknowledged concerns expressed about privacy and if this could be used to access specific information about vaccination status, deny coverage or access to care, or increase premiums.
- Mr. Bragdon explained that this information will be utilized in accordance with HIPAA regulations. He noted that those very concerned about privacy can opt out of the registry altogether.
- Senator Rochefort clarified that the purpose of this is to satisfy the requirements of accreditation agencies.
- Mr. Bragdon confirmed that is true. The NCQA is the key agency, and carriers must meet these requirements for the rating.

Laura Condon

- Ms. Condon stated that she is speaking in opposition to this bill.

- She serves as volunteer New Hampshire Director of Advocacy with the National Vaccine Information Center, and has served as a public member of the New Hampshire Vaccine Association. She was also actively involved in the rules process involving the State vaccination registry.
- Ms. Condon said this registry has been cloaked in controversy, mismanagement, and mishandling of millions of dollars since the rules took effect.
- She explained that there has been legislative work done since then to ensure the registry is voluntary without coercion or penalty for not submitting. However, DHHS had written rules to require refusal of any vaccine to be a reported and tracked event.
- Ms. Condon explained that health insurance carriers are not medical personnel, and they do not treat patients or provide vaccinations. The only need a health plan has to an individual's vaccination status is to pay for medical treatment, and they already have access to that information.
- Ms. Condon said carriers especially have no legitimate need to access information in the vaccination registry of people they do not insure.
- She noted that this will not provide a complete picture because many individuals choose not to provide their information in this registry.
- Ms. Condon expressed concern about health plans using this information to deny coverage or treatment to those who do not receive any or certain immunizations.
- Ms. Condon stated that the fiscal impact of this will exceed the projected \$100,000, and the burden will fall on taxpayers.

Aubrey Freedman

- Mr. Freedman stated that he is speaking in opposition to this bill because it is an anti-privacy protection bill that will allow private information to be shared.
- Mr. Freedman believes the primary reason behind this is coercion to force individuals to receive vaccines they do not want. He said this is a workaround of the laws regarding the denial of coverage by medical providers.
- Currently, if an individual is in need of a vaccination, they will be notified by their healthcare provider. Mr. Freedman questioned why insurance companies need to be involved in this.
- Mr. Freedman stated that DHHS should not be rewarded with money because he believes the Department did not perform adequately during the pandemic.

Nancy Biederman

- Ms. Biederman stated that she is a member of the New Hampshire Rare Disease Advisory Council, but she is not representing the Council in this manner.

- As the parent of a child with a rare disease, Ms. Biederman is concerned about insurance companies getting more information about herself or her children. She said this bill would give them more private information.
- People with rare diseases have limited treatment options, and this is especially true when a healthcare provider requests a specific treatment that is denied by insurance. Ms. Biederman has experienced this situation recently with her child.
- Ms. Biederman explained that her daughter is vaccine-injured. She had a severe reaction to the meningitis vaccine and will not receive anymore vaccines in the future as a result. She noted that reactions and side effects to vaccines are often not considered for those with rare diseases.
- Ms. Biederman expressed concern that insurance carriers will not keep this information private. In the past, her personal data was breached from an insurance company.
- Ms. Biederman stated that data needs to be better protected. She will not release her information until better protection is implemented.
- Ms. Biederman said she will not have her child be denied treatment because of her vaccination status.

Colleen Smith and Anne Marie Mercuri, Department of Health and Human Services

- Ms. Smith introduced herself as the Bureau Chief of DHHS's Bureau of Infectious Disease Control. Ms. Mercuri introduced herself as the Section Chief of the Bureau's Immunization Section.
- For protection of privacy, DHHS would like to limit this information only to members of a particular insurance carrier. This would require an IIS enhancement.
- Ms. Smith suggested adding clarifying language that would limit the information to only health plans and operations for members within New Hampshire.
- Ms. Mercuri explained that IIS is a HIPAA compliant system that is intended for the purposing of maintaining vaccine ordering and inventory management of public vaccines, maintaining a comprehensive vaccine record for individuals who have shared their information, and estimating vaccine coverage.
- IIS is managed on an opt-in basis. New Hampshire individuals must consent to share their information before their provider submits their information to IIS.
- There are approximately 400 providers who use the system. More than half of those are required to do so because they receive publicly funded vaccines, but others use IIS voluntarily.
- There are approximately 1,700 users who are authorized to use this system. Prior to receiving access, they must complete training and sign a user agreement to ensure confidentiality.

- Platforms in other states are able to turn on this feature, but when insurers submit their member's information, the system is currently configured to create a match of record when there are two identifiers: name and date of birth.
- Because New Hampshire is privacy conscious, DHHS wants to ensure there is no error in reporting a correct match. They asked that a third identifier, such as an email address or phone number, be required before confirming there is a matching record to be sent to the insurance provider.
- This is why an appropriation is being requested; to pay the vendor for the cost to develop and install these custom code configurations specific to New Hampshire.
- Ms. Mercuri explained that we currently receive funds through the CDC and other sources to support IIS, but the current enhancements at play are not necessarily meant for New Hampshire-specific enhancements to this degree.

Peter Bragdon, Harvard-Pilgrim

- Senator Prentiss confirmed that the immunization registry is voluntary, and Mr. Bragdon confirmed that is correct,
- Senator Prentiss confirmed that this is simply a technical change that would not allow insurance carriers to deny coverage for treatment or care with this information.
- Mr. Bragdon confirmed this is correct and emphasized that they are only interested in the aforementioned five specific vaccinations that NCQA rates on. He emphasized that coverage decisions will not be made as a result.

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Date Hearing Report completed: February 4, 2025