
SENATE COMMITTEE ON HEALTH
Senator Dr. Susan Talamantes Eggman, Chair

BILL NO: SB 595
AUTHOR: Roth
VERSION: February 15, 2023
HEARING DATE: March 22, 2023
CONSULTANT: Teri Boughton

SUBJECT: Covered California: data sharing

SUMMARY: Clarifies that Covered California is only prohibited from disclosing personal information obtained from the Employment Development Department without first obtaining consent of the applicant when disclosure is to a certified insurance agent or a certified enrollment counselor for the purpose of communicating about the availability of health coverage through Covered California.

Existing law:

- 1) Establishes Covered California as California's health benefit exchange for individual and small business purchasers as authorized under the federal Patient Protection and Affordable Care Act (ACA). [GOV §100500 -100522]
- 2) Establishes a system of unemployment administered by the Employment Development Department (EDD). [UIC §100, et seq.]
- 3) Requires the EDD director to permit the use of any information in the director's possession to the extent necessary to enable federal, state, or local governmental departments or agencies, to verify or determine the eligibility or entitlement of any applicant for, or a recipient of, public social services, as specified, when the verification or determination is directly connected with, and limited to, the administration of public social services. [UIC §1095]
- 4) Requires Covered California to request information, on at least a monthly basis, from EDD for each new applicant for unemployment compensation, state disability, and paid family leave so that Covered California can communicate with and inform those individuals of available health care coverage options through Covered California and assist those individuals in obtaining health care coverage. [GOV §100503.9]
- 5) Prohibits Covered California from disclosing personal information obtained from EDD without the consent of the applicant. Requires Covered California to at all times take reasonable measures to safeguard the confidentiality of any personal information obtained by EDD and not disclose that information for any purposes other than to market and publicize the availability of health care coverage, and, requires this personal information to at all times be subject to applicable privacy and information security-related requirements arising under federal and state law. [GOV §100503.9]

This bill clarifies that Covered California is only prohibited from disclosing personal information obtained from EDD without consent of the applicant when disclosing the information to a certified insurance agent or enrollment counselor for the purposes of communicating about the availability of health coverage through Covered California.

FISCAL EFFECT: This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) *Author's statement.* According to the author, access to information regarding health insurance options is one of the primary barriers to achieving universal healthcare coverage in the state, especially as Californians experience transitions in employment and income. Last year, SB 644 (Leyva, Chapter 983, Statutes of 2022) was passed and established a vital partnership between Covered California and EDD for the purpose of conducting direct outreach on affordable healthcare coverage options to community members who applied for unemployment insurance, or other EDD programs. However, after signing SB 644 into law, the Governor called on the Legislature to introduce follow-up legislation to ensure that the provisions of the bill enable timely communication to individuals to reduce burdens of applying for health insurance and to minimize gaps in coverage. This bill will do just that. This bill will ensure greater accessibility to health insurance for Californians, regardless of their employment status.
- 2) *Double referral.* This bill has been double referred and will be referred to the Senate Judiciary Committee should it pass out of this committee.
- 3) *Prior legislation.* SB 644 requires Covered California to request information from the EDD for each applicant for unemployment compensation, state disability, paid family leave, or any other program administered by EDD so that Covered California can communicate with and inform those individuals of available health care coverage options through Covered California and assist those individuals in obtaining health care coverage. SB 644 contains a provision that requires consent of the applicant prior to disclosing applicant information for the purposes of the bill. The Governor's signing message associated with SB 644 states:

I am signing Senate Bill 644, which enhances partnership between Covered California and the Employment Development Department by enabling Covered California to conduct proactive and targeted outreach to applicants of unemployment insurance and other benefits. In doing so, this legislation provides Californians with important and timely information about affordable health coverage options when they may need it the most.

To ensure Covered California can effectively reach Californians, and to maximize the important impact SB 644 can have to keep Californians in need covered, I strongly encourage Covered California and the Legislature to work together on subsequent legislation next year to ensure that the provisions of the bill enable timely communication to individuals to reduce burdens of applying for health care and minimize gaps in coverage.

- 4) *Support.* The bill's sponsors and proponents write that current statute limits Covered California's ability to send outreach materials to Californians in need, as it would require the agency's contracted vendors to obtain individual consent prior to contacting individuals. This bill would add clarifying language that allows Covered California to outreach while protecting individuals from receiving cold calls from insurance agents and enrollment counselors without individual consent.

SUPPORT AND OPPOSITION:

Support: Health Access California (cosponsor)

California Pan-Ethnic Health Network (cosponsor)
Western Center on Law and Poverty (cosponsor)
Coalition of California Welfare Rights Organizations
Courage California
Latino Coalition for a Healthy California
National Health Law Program
The Children's Partnership

Oppose: None received

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