

July 15, 2020

Cynthia Amann, Chair
NAIC Privacy Protections (D) Working Group
Missouri Department of Insurance

c/o National Association of Insurance Commissioners
Attn: Lois Alexander, Market Regulation Manager
Via email: lalexander@naic.org

RE: Privacy Protections (D) Working Group Exposure Draft Topics Document

Dear Ms. Amann,

On behalf of the Blue Cross Blue Shield Association, America's Health Insurance Plans, and a separate coalition of health insurers including Aetna, Anthem, Cigna, Health Care Service Corporation, and United HealthCare (referred to hereafter as "The Coalition"), we thank you for the opportunity to provide additional input on the Privacy Protections (D) Working Group's (Working Group's) Exposure Draft Topics on Model 670.

While we laud the Working Group's efforts, we reiterate that updates made to any privacy model will require a deliberative and considered approach based on facts and policy. Regulators and industry together can move forward only if we first understand the landscape of existing federal law in the privacy arena.

To assist the Working Group in its efforts, we have developed a side by side comparison of the specific privacy requirements with which certain insurance licensees must comply, including the Health Insurance Portability Accessibility Act (HIPAA), the California Consumer Privacy Act (CCPA), Model 670, Model 672, and the European Union's General Data Protection Regulation (GDPR). We hope this material can be helpful to the Working Group to increase their understanding of the existing consumer protections under current regimes. The comparison is attached and labeled "Appendix: Gap Analysis – Phase I, Side by Side Comparison".

We have learned that the Working Group has determined it is more beneficial if they focus their efforts on Model 672 instead of 670. We fully support and appreciate this decision, since as it compares to Model 670, the newer Model 672 was developed to improve on 670, is much more reflective of current regulatory thinking and attitudes, and has been far more widely accepted in the states. Model 672 is a viable foundation for the Working Group to review and to determine what changes, if any, are needed to effectively protect consumer interests in the insurance arena.

We would like to thank the Working Group for its consideration of our comments. If you have any questions, please do not hesitate to contact BCBSA's Managing Director for Health Data and Technology Policy, Lauren Choi at lauren.choi@bcbsa.com, AHIP's Senior Counsel for Government Affairs, Bob Ridgeway at BRidgeway@AHIP.org or Chris Petersen at cpetersen@arborstrategies.com.

Sincerely,



Clay S. McClure
Executive Director, State Relations
Office of Policy and Representation
Blue Cross Blue Shield Association



Bob Ridgeway
Senior Government Relations Counsel
State Affairs and Policy
America's Health Insurance Plans



Chris Petersen
Arbor Strategies on behalf of the Coalition