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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

September 26, 2002

Honorable M. Diane Koken, Commissioner  
Insurance Department  
1326 Strawberry Square  
Harrisburg, PA 17120

Re: Regulation #11-209 (IRRC #2257)  
Insurance Department  
Privacy of Consumer Health Information

Dear Commissioner Koken:

The Independent Regulatory Review Commission approved your regulation today. Our Order is enclosed and is available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. McGinley, Jr.", is written over a circular stamp or seal.

John R. McGinley, Jr.

Chairman

sfh

Enclosure

cc: Honorable Nicholas A. Micozzie, Majority Chairman, House Insurance Committee  
Honorable Anthony DeLuca, Democratic Chairman, House Insurance Committee  
Honorable Edwin G. Holl, Chairman, Senate Banking and Insurance Committee  
Honorable Jack Wagner, Minority Chairman, Senate Banking and Insurance Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held September 26, 2002

John R. McGinley, Jr., Chairman  
Alvin C. Bush, Vice Chairman, by Proxy  
Arthur Coccodrilli  
Robert J. Harbison, III

Regulation No. 11-209  
Insurance Department  
Privacy of Consumer Health Information

On March 4, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking adds 31 Pa. Code Chapter 146b. The proposed regulation was published in the March 16, 2002 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 13, 2002. On August 29, 2002, the Department simultaneously tolled and resubmitted the regulation to clarify one subsection. On September 5, 2002, the Department simultaneously withdrew and resubmitted the regulation to correct a wording error.

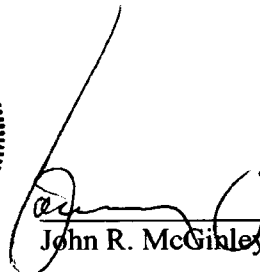
This regulation requires that insurers obtain authorization from a consumer prior to disclosing the consumer's nonpublic personal health information. The regulation is based on the National Association of Insurance Commissioners Model Privacy of Consumer Financial and Health Information regulation.

We have determined this regulation is consistent with the statutory authority of the Department (40 P. S. § 1171.2) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
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John R. McGinley, Jr., Chairman