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BlueCross of Northeastern Pennsylvania

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October 16, 2006

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Denise S. Cesare
President and Chief Executive Officer

BUREAU OF FACILITY LICENSURE & CERT.

Gerald F. Radke, Director
Bureau of Facility Licensure and Certification
Department of Health
Room 932, Health & Welfare Building
7th and Forster Streets
Harrisburg, PA 17120

Dear Mr. Radke:

On behalf of Blue Cross of Northeastern Pennsylvania (BCNEPA), I would like to thank you for the opportunity to review the Department of Health's (Department's) proposed regulation regarding Sexual Assault Victims Emergency Services. As we understand the general impetus of the proposed regulation, it is to provide minimum requirements for the timely and appropriate physical and psychological treatment of sexual assault victims by Pennsylvania hospitals. Our initial reading of the proposed regulation is that the minimum requirements set forth are aimed at ensuring all participating Pennsylvania hospitals implement standardized policies and procedures for the treatment of sexual assault victims. Under this reading of the proposed regulation, there appears to be no express benefit or administrative burden for our health plan.

Further, and as alluded to in Section B. - Requirements of the Regulation, the Department may wish to consider the existence of pending legislation within the state Senate. Specifically, Senate Bill 990, the "Compassionate Assistance for Rape Emergencies (CARE) Act," was approved by the Senate Public Health & Welfare Committee on October 4, 2006. While similar in terms of intent regarding provision for or administration of emergency contraception, there appear to be some inherent conflicts between the legislation and the Department's proposed regulation. Specifically, Senate Bill 990 provides in Section 7 that a religiously affiliated health care facility is not required to provide, participate in providing or refer or transport a victim to another facility for the purpose of receiving emergency contraception. This section of Senate Bill 990 appears to be in conflict with §101.207 of the proposed regulation, and although the provisions of § 101.207 of the proposed regulation and section 7 of Senate Bill 990 have no express effect on the benefit burden of our health plan, we believe the Department might wish to address the issue prior to receiving public comments. In light of the existence of a number of facilities within our 13-county service area that have a religious affiliation, BCNEPA would recommend that the language in the proposed regulation be coordinated with ongoing legislative activity to ensure that all sexual assault victims have access to timely and appropriate care, regardless of where they are treated. As a final note, we would point out that Senate Bill 990 contains a provision for promulgation of Department of Health regulations, providing a specific opportunity for legislative and regulatory coordination on this issue.

Once again, thank you for the opportunity to comment on the proposed regulation prior to its public release. We look forward to continuing to work with the Department as the official regulatory process evolves.

Sincerely,

Denise S. Cesare

Cc: The Honorable Calvin Johnson, M.D., M.P.H., Secretary of Health

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