

5TH DISTRICT  
**MICHAEL J. STACK**

12361 ACADEMY ROAD  
PHILADELPHIA, PA 19154-1927  
TELEPHONE: (215) 281-2539  
FAX: (215) 281-2798

8016 BUSTLETON AVENUE  
PHILADELPHIA, PA 19152-2802  
TELEPHONE: (215) 695-1020  
FAX: (215) 695-1027

2644 LEFEVRE STREET  
PHILADELPHIA, PA 19137-1733  
TELEPHONE: (215) 744-5361  
FAX: (215) 744-5364

REPLY TO:  
SENATE BOX 203005  
THE STATE CAPITOL  
HARRISBURG, PA 17120-3005  
TELEPHONE: (717) 787-9608  
FAX: (717) 772-2162



**Senate of Pennsylvania**

**2654**

January 14, 2008

Ms. Janice Staloski, Director  
Bureau of Community Program Licensure  
and Certification  
PA Department of Health  
132 Kline Plaza, Suite A  
Harrisburg, PA 17104

**Transmitted via fax to 717-787-3188 and via regular mail**

Dear Ms. Staloski:

I am writing to express my concern and opposition to the Department of Health's Proposed Regulation 10-186 regarding confidentiality of drug and alcohol addiction treatment records and personal information. The regulation creates problems for the drug and alcohol addiction treatment community. It expands access to private information, yet will not improve access to treatment. Additionally, the regulation conflicts with Act 106 of 1989, and was rejected twice by the organization responsible for creating an effective drug and alcohol treatment system, the PA Advisory Council on Drug and Alcohol Abuse.

The regulation expands access to records beyond the scope necessary to determine treatment services. This will harm patient privacy, and likely discourage people from seeking treatment services because the privacy of their non-medical patient records cannot be guaranteed.

Under existing laws, drug and alcohol treatment providers work with government agencies and insurers to get people the treatment they need to become productive, contributing members of society. To the best of my knowledge, these providers have not indicated that changes to confidentiality regulations will improve drug and alcohol treatment services. The proposed regulations also seem to violate Act 106 of 1989. Act 106 guarantees that health insurance consumers will have access to drug and alcohol treatment and provides third parties access to medically necessary records. The proposed regulation expands the medical records that can be reviewed by third parties beyond the requirements of Act 106.

- COMMITTEES**
- BANKING & INSURANCE,  
DEMOCRATIC CHAIR
  - AGING & YOUTH
  - APPROPRIATIONS
  - JUDICIARY
  - LAW & JUSTICE
  - VETERANS AFFAIRS &  
EMERGENCY PREPAREDNESS  
POLICY

RECEIVED  
2008 JAN 15 AM 11:07  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Ms. Janice Staloski  
Page 2  
January 14, 2008

I am also concerned that the PA Advisory Council on Drug and Alcohol Abuse has rejected the proposed regulation twice. The Council is responsible for advising the Secretary of Health and the Department of Health regarding laws, regulations, and administration of drug and alcohol treatment services and programs. They help to create an effective drug and alcohol treatment network. The Council on two separate occasions, their January and April 2007 meetings, opposed any changes to the privacy regulations. They believe that changes to the privacy regulations would harm the drug and alcohol treatment community.

Privacy is a key component to ensure that people receive treatment for their drug and alcohol addictions. The Commonwealth of Pennsylvania should protect privacy and only disclose medically necessary information as provided by Act 106 of 1989. The Department of Health's Proposed Regulation 10-186 will increase the amount of information available to third parties, and will have a detrimental effect on Pennsylvanians.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Stack", with a long horizontal flourish extending to the right.

Senator Mike Stack  
5<sup>th</sup> Senatorial District

MJS/mff

CC: PA Advisory Council on Drug and Alcohol Abuse  
Independent Regulatory Review Commission  
The Honorable Edwin B. Erickson  
The Honorable Vincent J. Hughes  
The Honorable Frank L. Oliver  
The Honorable George T. Kenney, Jr.