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HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

January 11, 2008

COMMITTEES

HEALTH & HUMAN SERVICES,
MAJORITY CHAIRMAN
AGRICULTURE & RURAL AFFAIRS
CHILDREN & YOUTH
STATE GOVERNMENT

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

Dear Ms. Staloski,

I write in opposition to the Department of Health's proposed Regulation No. 10-186 relating to the Confidentiality of Patient Records and Information.

Currently, 4 Pa. Code, Section 255.5 provides vital privacy protections for patients being treated for substance abuse addictions. Clearly, proposed Regulation 10-186 threatens these protections by authorizing the release of sensitive patient information that has no bearing on the right of payment to a provider. Under current regulation, there is adequate information to assure viability of patients' need for care and as well, with no conflict with federal rules; rather, instead, the current language is reflective of the nature of stigma related to this illness.

Frankly, I am alarmed at the nature of this regulation as a continual erosion of citizen privacy. I am not at all satisfied that client autonomy would be served and feel certain that client and counselor relationships will be completely undermined under the scenario of this proposed regulation. Also, the statement in the analysis that "there should be no measureable additional paperwork or cost impact to the regulated community from the proposed requirement" strikes me as nonsense, given the requirements as set forth.

The House Health and Human Services Committee has conducted hearings about issues surrounding substance abuse treatment. It seems evident to me that this proposed regulation will further enhance the ability for denial of payment by third party payers. I find it incredulous and sad.

I see no public benefit or need for the Department of Health's proposed Regulation 10-186 to justify this proposed regulation. The wording of the proposed regulation is problematic and the true intent is unclear. I will continue to vehemently oppose any further consideration of this regulation.

Sincerely,

Frank L. Oliver

Frank L. Oliver
STATE REPRESENTATIVE

Cc: The Honorable George Kenney
The Honorable Edwin Erickson
The Honorable Vincent Hughes

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