

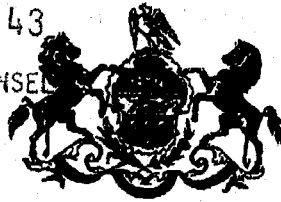
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 DEPARTMENT OF HEALTH
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OFFICE OF LEGAL COUNSEL



Senate of Pennsylvania

REPLY TO:
 SENATE BOX 303005
 THE STATE CAPITOL
 HARRISBURG, PA 17120-3005
 TELEPHONE: (717) 787-0608
 FAX: (717) 772-2102

2654 January 14, 2008

- COMMITTEES
- BANKING & INSURANCE,
 - DEMOCRATIC CHAIR
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 - JUDICIARY
 - LAW & JUSTICE
 - VETERANS AFFAIRS & EMERGENCY PREPAREDNESS
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 BUREAU OF COMMUNITY PROGRAM
 LICENSURE & CERTIFICATION

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.

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 REVIEW COMMISSION

Ms. Janice Staloski

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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,



Senator Mike Stack
5th Senatorial District

MJS/mff

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



Senate of Pennsylvania

Senator Michael J. Stack

5th Senatorial District

*Senate Post Office Box 203005
Room 543, Main Capitol
Harrisburg, PA 17120
(717) 787-9608
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FAX TRANSMISSION COVER SHEET

Date: *January 14, 2008*
Time: *3:35 p.m.*
To: *Ms. Janice Staloski, Director, Bureau of Community Program Licensure
and Certification*
Fax: *717-787-3188*
Subject: *Comments Regarding Proposed Regulation 10-186*
Sender: *Senator Mike Stack*

***YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU
DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (717) 787-9608.***

Please review the attached letter regarding Proposed Regulation 10-186.