

# 2654

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July 8, 2008

2008 JUL 10 PM 3:28

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

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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2008 JUL 18 AM 9:46  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

RE: Regulation No. 10-186

Dear Ms. Staloski,

The Department of Health is proposing changes to the state confidentiality protections of drug and alcohol addiction treatment records. (Regulation No. 10-186) We believe these changes will weaken the current confidentiality protections and allow release of personal information beyond diagnosis to payers and many others.

This regulation is opposed by the Department of Health's own Pennsylvania Advisory Council on Drug and Alcohol Abuse (three votes of opposition), the Pennsylvania Association of County Drug and Alcohol Administrators, the Pennsylvania Recovery Organizations-Alliance, the Drug and Alcohol Service Providers Organization of Pennsylvania. In addition, the Independent Regulatory Review Commission has received over 160 letters of opposition from members of the House and Senate, treatment programs, people in recovery, county administrators and many others.

Despite all of this opposition, the Department has moved forward with a new version that fails to address any of the concerns raised.

The state confidentiality regulations currently in place work well and we believe strike the right balance between protecting personal privacy while simultaneously providing sufficient information to payers. The current state confidentiality protections should be maintained with no changes.

We the co-signers urge immediate withdrawal of this proposed regulation.

Cc: Independent Regulatory Review Commission

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# 2654.

Department of Health Regulation No. 10-186  
4 Pa. Code Section 255.5  
Confidentiality of Patient Records and Information  
Comments Transmitted July 15, 2008

- Form Letters sent from Pennsylvania Recovery Organizations Alliance, Inc. (PRO-A) (Dated, June 26, 2008)
- House of Representatives, Joint Comment (Dated, July 8, 2008)
  - The Honorable Patrick J. Harkins
  - The Honorable Florindo J. Fabrizio
  - The Honorable John Hornaman
  - The Honorable Curtis G. Sonney
  - The Honorable John R. Evans
  - The Honorable Brad Roae
  - The Honorable Mark Longietti
  - The Honorable Richard R. Stevenson
  - The Honorable Chris Sainato
  - The Honorable Jaret Gibbons
  - The Honorable Daryl D. Metcalfe
  - The Honorable Art Hershey
  - The Honorable Jim Marshall
  - The Honorable Vince Biancucci
  - The Honorable Sean M. Ramaley
  - The Honorable Michele Brooks
  - The Honorable Gene DiGirolamo
  - The Honorable Jake Wheatley
  - The Honorable Don Walko
  - The Honorable Lisa Bennington
  - The Honorable Chelsa Wagner
  - The Honorable Dan Frankel
  - The Honorable Joseph Preston Jr.
  - The Honorable Joseph F. Markosek
  - The Honorable Tim Hennessey
  - The Honorable Thomas C. Petrone
  - The Honorable Mike Turzai
  - The Honorable Bernie O'Neill
  - The Honorable Randy Vulakovich
  - The Honorable David J. Steil
  - The Honorable Anthony M. DeLuca
  - The Honorable Frank Dermody
  - The Honorable Paul Costa
  - The Honorable Marc J. Gergely
  - The Honorable Harry Readshaw
  - The Honorable William C. Kortz, II
  - The Honorable David K. Levdansky
  - The Honorable Katie True

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- **The Honorable Matthew Smith**
- **The Honorable Scott W. Boyd**
- **The Honorable T. Mark Mustio**
- **The Honorable Nick Kotik**
- **The Honorable Jesse White**
- **The Honorable Keith Gillespie**
- **The Honorable Timothy J. Solobay**
- **The Honorable H. William DeWeese**
- **The Honorable Tim Mahoney**
- **The Honorable Deberah Kula**
- **The Honorable Robert W. Godshall**
- **The Honorable John E. Pallone**
- **The Honorable Joseph A. Petrarca**
- **The Honorable James E. Casorio**
- **The Honorable Thomas A. Tangretti**
- **The Honorable R. Ted Harhai**
- **The Honorable Jess M. Stairs**
- **The Honorable Jeffrey P. Pyle**
- **The Honorable Kate Harper**
- **The Honorable Dave Reed**
- **The Honorable Fred McIlhattan**
- **The Honorable Kathy L. Rapp**
- **The Honorable Samuel H. Smith**
- **The Honorable Martin T. Causer**
- **The Honorable Matthew E. Baker**
- **The Honorable Bob Bastian**
- **The Honorable Jay R. Moyer**
- **The Honorable Edward P. WojnaroskiSr.**
- **The Honorable Tom Yewcic**
- **The Honorable Gary Haluska**
- **The Honorable Camille Bud George**
- **The Honorable Dan A. Surra**
- **The Honorable Michael K. Hanna**
- **The Honorable H. Scott Conklin**
- **The Honorable Dick L. Hess**
- **The Honorable Richard A. Geist**
- **The Honorable Jerry Stern**
- **The Honorable Mike Fleck**
- **The Honorable C. Adam Harris**
- **The Honorable Steven W. Cappelli**
- **The Honorable Garth D. Everett**
- **The Honorable Russell H. Fairchild**
- **The Honorable Jerry L. Nailor**
- **The Honorable Rob W. Kauffman**
- **The Honorable Todd Rock**
- **The Honorable Ron Miller**

- **The Honorable Stan Saylor**
- **The Honorable Eugene DePasquale**
- **The Honorable P. Michael Sturla**
- **The Honorable David S. Hickernell**
- **The Honorable Gordon Denlinger**
- **The Honorable Mauree Gingrich**
- **The Honorable RoseMarie Swanger**
- **The Honorable Ron Buxton**
- **The Honorable Ron Marsico**
- **The Honorable John D. Payne**
- **The Honorable Robert E. Belfanti Jr.**
- **The Honorable Merle H. Phillips**
- **The Honorable David R. Millard**
- **The Honorable Tina Pickett**
- **The Honorable Sandra Major**
- **The Honorable Ken Smith**
- **The Honorable Frank Andrews Shimkus**
- **The Honorable James Wansacz**
- **The Honorable Edward G. Staback**
- **The Honorable Todd A. Eachus**
- **The Honorable Mike Carroll**
- **The Honorable John T. Yudichak**
- **The Honorable Phyllis Mundy**
- **The Honorable Eddie Day Pashinski**
- **The Honorable Keith R. McCall**
- **The Honorable Neal Goodman**
- **The Honorable David G. Argall**
- **The Honorable Tim Seip**
- **The Honorable Dante Santoni, Jr.**
- **The Honorable Thomas R. Caltagirone**
- **The Honorable Sam Rohrer**
- **The Honorable David R. Kessler**
- **The Honorable Karen D. Beyer**
- **The Honorable Joseph F. Brennan**
- **The Honorable Douglas G. Reichley**
- **The Honorable Steve Samuelson**
- **The Honorable Robert Freeman**
- **The Honorable Richard T. Grucela**
- **The Honorable Craig A. Dally**
- **The Honorable Michael Peifer**
- **The Honorable John T. Galloway**
- **The Honorable Anthony J. Melio**
- **The Honorable Chris King**
- **The Honorable Marguerite Quinn**
- **The Honorable Katharine M. Watson**
- **The Honorable Paul I. Clymer**

- **The Honorable Thomas J. Quigley**
- **The Honorable Bob Mensch**
- **The Honorable Daylin Leach**
- **The Honorable Rick Taylor**
- **The Honorable Thomas P. Murt**
- **The Honorable Lawrence H. Curry**
- **The Honorable Curt Schroder**
- **The Honorable Barbara McIlvaine Smith**
- **The Honorable Carole A. Rubley**
- **The Honorable Chris Ross**
- **The Honorable Thaddeus Kirkland**
- **The Honorable Stephen Barrar**
- **The Honorable Bryan R. Lentz**
- **The Honorable Ron Raymond**
- **The Honorable Mario J. Civera, Jr.**
- **The Honorable William F. Adolph, Jr.**
- **The Honorable Greg Vitali**
- **The Honorable Duane Milne**
- **The Honorable Thomas H. Killion**
- **The Honorable Dennis M. O'Brien**
- **The Honorable George T. Kenney, Jr.**
- **The Honorable John M. Perzel**
- **The Honorable Michael P. McGeehan**
- **The Honorable John P. Sabatina, Jr.**
- **The Honorable Michael H. O'Brien**
- **The Honorable Mario M. Scavello**
- **The Honorable John Taylor**
- **The Honorable Scott A. Petri**
- **The Honorable Angel Cruz**
- **The Honorable W. Curtis Thomas**
- **The Honorable Babette Josephs**
- **The Honorable Julie Harhart**
- **The Honorable William F. Keller**
- **The Honorable Robert C. Donatucci**
- **The Honorable Carl W. Mantz**
- **The Honorable James R. Roebuck, Jr.**
- **The Honorable John J. Siptroth**
- **The Honorable Thomas W. Blackwell**
- **The Honorable Ronald G. Waters**
- **The Honorable Louise Williams Bishop**
- **The Honorable Steven R. Nickol**
- **The Honorable Frank Louis Oliver**
- **The Honorable Beverly Mackereth**
- **The Honorable Jewell Williams**
- **The Honorable Rosita C. Youngblood**
- **The Honorable Cherelle L. Parker**

- **The Honorable John Myers**
- **The Honorable Mark B. Cohen**
- **The Honorable Dwight Evans**

We the undersigned respectfully request that the Department of Health Regulation No. 10-186 be withdrawn.

	District #		District #
<u>Gene Redhofan</u>	<u>18</u>	<u>Marguerite Zini</u>	<u>143</u>
<u>Don Heller</u>	<u>168</u>	<u>John</u>	<u>124</u>
<u>Matthew E. Baker</u>	<u>68</u>	<u>Stuart Cooper</u>	<u>83</u>
<u>Katherine Watson</u>	<u>144</u>	<u>Duane Milne</u>	<u>167</u>
<u>Ann M. O'Brien</u>	<u>169</u>	<u>Rn Raymond</u>	<u>162</u>
<u>B. T. O'Neil</u>	<u>29<sup>th</sup></u>	<u>Walt</u>	<u>108</u>
<u>Paul Chymer</u>	<u>145<sup>th</sup></u>	<u>Tom Farrell</u>	<u>85</u>
<u>Chris Ross</u>	<u>158<sup>th</sup></u>	<u>Debra</u>	<u>78</u>
<u>Jan</u>	<u>31<sup>st</sup></u>	<u>Bob Mesch</u>	<u>147</u>
<u>Jan</u>	<u>128</u>	<u>Thomas P. Wynn</u>	<u>152</u>
<u>Sue Pitt</u>	<u>178<sup>th</sup></u>	<u>Jane</u>	<u>26</u>

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	District #		District #
<u>Robert A. J.</u>	<u>126</u>	<u>Thomas L. Callaghan</u>	<u>127</u>
<u>Thomas C. Callahan</u>	<u>27</u>	<u>Don Walker</u>	<u>20</u>
<u>Rich Walker</u>	<u>45</u>	<u>Joe</u>	<u>166</u>
<u>M. J. [unclear]</u>	<u>35</u>	<u>John E. Pallone</u>	<u>84</u>
<u>Joseph [unclear]</u>	<u>55</u>	<u>Lisa Best</u>	<u>21</u>
<u>[unclear]</u>	<u>42</u>	<u>Joseph De Luca</u>	<u>32</u>
<u>Joe Macdonell</u>	<u>25</u>	<u>[unclear]</u>	<u>73</u> <u>200</u>
<u>Mark Longo</u>	<u>7</u>	<u>[unclear]</u>	<u>58</u>
<u>Mike Hanna</u>	<u>26<sup>th</sup></u>	<u>[unclear]</u>	<u>16</u>
<u>Scott [unclear]</u>	<u>77</u>	<u>[unclear]</u>	<u>185</u>
<u>Joseph [unclear]</u>	<u>24<sup>th</sup></u>	<u>[unclear]</u>	<u>11<sup>th</sup></u>



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	District #		District #
<u>William K. Adolph</u>	<u>165</u>	<u>[Signature]</u>	<u>170</u>
<u>Scott W. [Signature]</u>	<u>43</u>	<u>[Signature]</u>	<u>98</u>
<u>Anton Dubois</u>	<u>99</u>	<u>Todd [Signature]</u>	<u>90</u>
<u>Kathy J. Rapp</u>	<u>65</u>	<u>Carl Gray</u>	<u>4</u>
<u>David R. Millard</u>	<u>109</u>	<u>James Harhart</u>	<u>183</u>
<u>William K. Stevens</u>	<u>08</u>	<u>John D. Payne</u>	<u>106</u>
<u>[Signature]</u>	<u>62</u>	<u>[Signature]</u>	<u>139</u>
<u>[Signature]</u>	<u>30</u>	<u>Mark W. Kavelch</u>	<u>176</u>
<u>David T. May</u>	<u>111</u>	<u>John J. Tyle</u>	<u>197</u>
<u>Jim Marshall</u>	<u>14</u>	<u>Wm. S. Payne</u>	<u>131</u>
<u>Mark Muste</u>	<u>44</u>	<u>[Signature]</u>	<u>59</u>
<u>[Signature]</u>	<u>7077</u>		

We the undersigned respectfully request that the Department of Health Regulation No. 10-186 be withdrawn.

	District #		District #
<u>W. Carter Thomas</u>	<u>181</u>	<u>Frank Oliver</u>	<u>195</u>
<u>Laura Williams</u>	<u>192</u>	<u>John Valle</u>	<u>140</u>
<u>Paul G. [unclear]</u>	<u>198</u>	<u>Thomas St. [unclear]</u>	<u>190</u>
<u>Paul [unclear]</u>	<u>34</u>	<u>Richard [unclear]</u>	<u>182</u>
<u>Al [unclear]</u>	<u>36</u>	<u>Jaret A. [unclear]</u>	<u>10</u>
<u>Mark [unclear]</u>	<u>48</u>	<u>Paul [unclear]</u>	<u>123</u>
<u>Robert [unclear]</u>	<u>52</u>	<u>Scott [unclear]</u>	<u>77</u>
<u>Shalley [unclear]</u>	<u>159</u>	<u>Joseph [unclear]</u>	<u>133</u>
<u>John [unclear]</u>	<u>3</u>	<u>Ernest P. [unclear]</u>	<u>71</u>
<u>Ricky [unclear]</u>	<u>137</u>	<u>Jack [unclear]</u>	<u>157</u>
<u>Ronald G. [unclear]</u>	<u>191</u>	<u>Edie [unclear]</u>	<u>121</u>

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	District #		District #
<u>Mike Flak</u>	<u>81</u>	<u>Katie True</u>	<u>41</u>
<u>Beverly Mackereth</u>	<u>196</u>	<u>Jerry Mueber</u>	<u>88</u>
<u>Carole Rubley</u>	<u>157</u>	<u>Mauroa Luyild</u>	<u>102</u>
<u>Ro Miller</u>	<u>93</u>	<u>John Pyle...</u>	<u>60</u>
<u>H R Hill</u>	<u>193</u>	<u>Adrian W...</u>	<u>82</u>
<u>James M. Whitton</u>	<u>63</u>	<u>Joseph M. Motz</u>	<u>12</u>
<u>Mario J. Ceraso</u>	<u>164</u>	<u>Bob Kuffner</u>	<u>89</u>
<u>John M. Pangel</u>	<u>172</u>	<u>Jina Pettitt</u>	<u>110</u>
<u>Robert H. East</u>	<u>79</u>	<u>Samuel M. Manno</u>	<u>105</u>
<u>Joseph Stern</u>	<u>80<sup>th</sup></u>	<u>Steph E. Bernas</u>	<u>160</u>
<u>Samuel A. Smith</u>	<u>66</u>	<u>Curt Schuler</u>	<u>155</u>

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	District #		Dis
<u>Andy D. [Signature]</u>	<u>141</u>	<u>Ken [Signature]</u>	<u>1</u>
<u>Nick K. [Signature]</u>	<u>39</u>	<u>Egypt. [Signature]</u>	<u>95</u>
<u>Steve Samuelson</u>	<u>135</u>	<u>Mark B. [Signature]</u>	<u>7</u>
<u>Sam Walker</u>	<u>20</u>	<u>Barbara [Signature]</u>	<u>156</u>
<u>Thomas R. [Signature]</u>	<u>57</u>	<u>Jim [Signature]</u>	<u>12</u>
<u>Art [Signature]</u>	<u>23</u>	<u>Jan [Signature]</u>	<u>5</u>
<u>[Signature]</u>	<u>188</u>	<u>Phyllis Mundy</u>	<u>120</u>
<u>Capillo George</u>	<u>74</u>	<u>Don A. Sa</u>	<u>75</u>
<u>Michael H. O'Brien</u>	<u>175<sup>B</sup></u>	<u>[Signature]</u>	<u>140</u>
<u>Robert Free</u>	<u>136</u>	<u>[Signature]</u>	<u>113</u>
<u>John [Signature]</u>	<u>201</u>	<u>Laurence Curry</u>	<u>154</u>

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	District #		Dis
	51		46
Tom McNamee	72		116
Richard McNeil	173	Chelsea Wynn	22
Jimmy [unclear]	38	Kenneth J. Smith	11
Eric [unclear]	130	Cluelle L. Parker	20
John Diptroth	189	David R. McCall	10
E. L. ST-10	115	Angel Cruz	11
P. McCall [unclear]	96	John P. [unclear]	10
Vine [unclear]	15	Paul [unclear]	1
Jake [unclear]	19	Tom [unclear]	1
By [unclear]	161	McCall	11

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	District #		District #
<u>Cyril W. Math</u>	<u>187<sup>th</sup></u>	<u>R.M. Swanger</u>	<u>H-102</u>
<u>Samuel C. ...</u>	<u>84<sup>th</sup></u>	<u>Thomas J. Zingley</u>	<u>146</u>
<u>Marko Lasa</u>	<u>67</u>	<u>Peter W. ...</u>	<u>53<sup>rd</sup></u>
<u>Jack ...</u>	<u>5</u>	<u>John M. Hay</u>	<u>61<sup>st</sup></u>
<u>Mike Turzpi</u>	<u>162</u>		
<u>Craig ...</u>	<u>138</u>		
<u>Stan Saylor</u>	<u>94</u>		
<u>Ken ...</u>	<u>47</u>		
<u>Brad Rose</u>	<u>6</u>		
<u>Bob Bask</u>	<u>69</u>		
<u>Arthur D. Hershey</u>	<u>13<sup>th</sup></u>		

