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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

18TH LEGISLATIVE DISTRICT

COMMITTEES

LABOR RELATIONS COMMITTEE,
CHAIRMAN
PROFESSIONAL LICENSURE
PENNSYLVANIA ATHLETIC
OVERSIGHT COMMITTEE,
CHAIRMAN

#2654.

August 14, 2008

INDEPENDENT REGULATORY
REVIEW COMMISSION

2008 AUG 19 AM 11: 24

RECEIVED

To All Petition Signatures:

During the closing weeks of session, you joined me in signing a petition opposing the Department of Health's proposed regulations (10-186) that will weaken confidentiality protections of drug and alcohol treatment records.

177 members of the House signed the petition. 12 Senators signed a similar letter and additional Senators sent separate letters of opposition as well.

We are joined in our opposition to the proposed changes by the Department of Health's own Advisory Council on Drug and Alcohol Abuse and every major recovery and addiction treatment organization in the state including the Pennsylvania Association of County Drug and Alcohol Administrators, the Pennsylvania Recovery Organization Alliance, the Drug and Alcohol Service Providers Organization of Pennsylvania and others. In addition, the Independent Regulatory Review Commission has received over 260 letters of opposition.

In regard to this debate, I was startled to learn that the Department of Public Welfare is directly soliciting community providers to sign the attached letter to legislators that has been written for them by the Department in support of the Department's position. The letter will then be forwarded to the Pennsylvania General Assembly.

Here is my concern. Most Community treatment providers receive funding from the Department and should never be subjected to this type of pressure. This strikes me as extremely coercive and by no means the ideal of state government we would all like to see.

In my 14 years in the General Assembly, I've never seen such a blatant overstepping of boundaries between a Department and its contractors.

The correspondence from the Department (which I have enclosed for your review) is inappropriate and I hope you will join me in continuing our opposition to the proposed regulations that will weaken confidentiality protections of drug and alcohol treatment records.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene DiGirolamo". The signature is fluid and cursive, with a large loop at the end.

Gene DiGirolamo
State Representative
18th Legislative District

Cc: Senator Rhoades
Senator Stack
Senator Erickson
Senator Hughes
Kim Kaufman, IRCC

GD/ph

[Group letter from community treatment providers to all legislators]

August XXX, 2008

We are writing to express our support for the proposed revisions to the Department of Health's regulations relating to the confidentiality of drug and alcohol treatment records. As community treatment providers and professionals, we advocate for persons in recovery on a daily basis, and we believe that the proposed revisions to Pennsylvania's drug and alcohol confidentiality regulations are in their best interest. In short, these changes to the confidentiality regulations will help individuals to access safe, quality services.

The proposed revisions will empower people in recovery and give them the right to control their own medical information. The current system makes no sense because providers can be prohibited from releasing information even when individuals give their consent. Without the ability to share basic information, such as prescribed medications, persons in recovery cannot get the services they need. Under the proposed revisions, people will have the choice to release information in order to access clinically appropriate services.

Opponents have tried to claim that the new regulations will hurt individual privacy. This is a false issue and needs to be recognized as such. If these proposed changes are approved, Pennsylvania will continue to have one of the strongest drug and alcohol confidentiality regulations in the country. Personal information will continue to be protected by the revised state regulations, federal drug and alcohol confidentiality regulations, federal HIPAA regulations and the Pennsylvania Drug and Alcohol Abuse Control Act.

We urge you to approve these needed revisions to Pennsylvania's drug and alcohol confidentiality regulations. The proposed changes offer a positive, solution that will ensure that needed substance use treatment services support long-term recovery, while private information remains appropriately protected.

Sincerely,

[List community treatment providers below. No signature needed, but consenting emails should be on file]

Name

Title

Organization