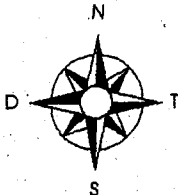


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NEW DIRECTIONS Treatment Services



December 28, 2007

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

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INDEPENDENT REGULATORY
REVIEW COMMISSION

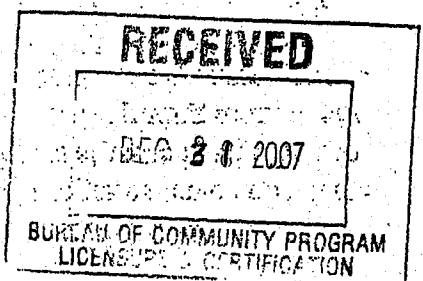
Dear Ms. Staloscik,

I'm writing to comment on proposed rulemaking in regard to 4 PA Code Chapter 255, Section 255.5 Confidentiality of Patient Records and Information. My agency provides outpatient addiction treatment services to over 700 persons in the Berks/Lehigh/Northampton county region. We are against making any revision in regard to 255.5, including that being proposed. The fundamental problem that led to this proposal has been that insurers (including particularly HealthChoices behavioral health contractors) have been refusing to pay providers unless providers made available more information than permitted by the regulation. Unfortunately, given the choice between sacrificing the additional client protection afforded by 255.5 or resisting the payors, some licensed programs have chosen the former as the more expedient path and requested this change. What is at issue is whether, in effect, to cede the role of clinical supervisor to the insurance providers by giving them every bit of information available about the client. Under the current regulation, only more general information about the client's problem and progress may be divulged. We would believe that is all the information that is necessary. The proposal's provision that the more detailed information can only be provided with the client's consent is disingenuous. The client has no choice but to consent if he/she wants the insurer's continued cooperation and financial support. It is insulting to those of us who work in the field to pretend otherwise. Likewise, the Department's contention in its various stipulations at the end of the proposal that there would be no cost or extra paperwork for providers is untrue. Providing the extra details about clients in treatment will be substantially more time-consuming and, once the information is readily obtainable, the requests will become more frequent and routine. I am unaware of any poll of providers taken to come to the Department's conclusions on that issue.

We strongly urge the Health Department to withdraw this proposal and maintain the status quo in regard to Section 255.5

Sincerely,

Glen J. Cooper
Executive Director



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