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ANDREW F. SUSKO

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

January 11, 2008

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 am writing on behalf of the 29,000 members of the Pennsylvania Bar Association to advise you of our opposition to the Department of Health's Proposed Regulation No. 10-186 which will drastically weaken confidentiality and privacy protections in this state for people seeking treatment for addiction.

The attached resolution of the Lawyers' Assistance Committee was approved by the Pennsylvania Bar Association Board of Governors on June 20, 2007. The resolution was also approved by the Pennsylvania Bar Association House of Delegates on June 22, 2007.

We continue to be opposed to any action by the Department of Health "which would alter the current regulatory protection of confidentiality of any person's medical and treatment records." (See attached Resolution)

The proposed regulation will essentially eliminate the express provisions of the existing 4 PA Code §255.5(b) and significantly and purposefully vitiate the protections of privacy provided by these important rules for people and families seeking help with drug and alcohol addictions.

Please do not hesitate to contact me directly if you have any questions or wish to discuss the matter further.

Very truly yours,

Andrew F. Susko  
President, Pennsylvania Bar Association

Enclosure

cc: Independent Regulatory Review Commission  
Representative Frank Oliver, PA House of Representatives  
Senator Edwin Erickson, PA State Senate  
Joelen Hoover, Drug and Alcohol Service Providers Organization of Pennsylvania  
Representative George Kenney, PA House of Representatives  
Senator Vincent Hughes, PA State Senate

**Pennsylvania Bar Association  
Lawyers' Assistance Committee**

**Resolution**

**WHEREAS**, the members of the Lawyer Assistance Committee are convinced that drug and alcohol treatment programs are effective and a necessary option for Pennsylvania lawyers as well as the citizens of Pennsylvania in need of such treatment; and

**WHEREAS**, such treatment often requires that the patient reveal very personal often sensitive information about themselves with the expectation that such information shall be protected and remain confidential; and

**WHEREAS**, the Pennsylvania Department of Health is proposing to eliminate existing confidentiality regulations, as codified in 4 Pa. Code §255.5(b) which currently protect the privacy of patients and families seeking treatment for alcoholism and chemical dependency; and

**WHEREAS**, the elimination of existing confidentiality regulations will adversely affect all Pennsylvania citizens who, with the expectation of confidentiality, provided personal information to health care providers; and

**WHEREAS**, Lawyer Assistance Committee of the Pennsylvania Bar Association recommends that the Association oppose any action by Pennsylvania which alters the current confidentiality of patient medical and treatment records,

**NOW, THEREFORE, BE IT RESOLVED** that the PBA oppose action by Pennsylvania which would alter the current regulatory protection of confidentiality of any person's medical and treatment records.

Bruce Carsia, Esq.  
Chair, Lawyers' Assistance Committee

Alfred Jones, Jr., Esq.  
Vice Chair, Lawyers' Assistance Committee

Date: April 25, 2007

***\*Approved by the PBA Board of Governors on June 20, 2007.***

***\*\*Approved by the PBA House of Delegates on June 22, 2007.***