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**Kenneth S. Ramsey, Ph.D.**  
President and Chief Executive Officer

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

January 10, 2008

Ms. 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 to express my strong opposition to the state's proposal to change 4 PA CODE 255.5 – the Confidentiality Regulations for Drug and Alcohol Addiction Treatment.

I am writing this as the President and CEO of a large treatment facility – Gateway Rehabilitation Center – which treats nearly 1,700 patients per day in multiple locations, and as a member of the State Department of Health's Drug and Alcohol Advisory Council.

First of all, as a member of the Department of Health's Drug and Alcohol Advisory Council, it is important for you to be aware that the Council had unanimously voted to retain the existing confidentiality regulations without change. As a group, the Council felt that changes to the confidentiality regulations would adversely affect not only the providers and their ability to offer treatment, but also the security and privacy of patient records.

Secondly, as a provider of a very large treatment facility, it has been my experience that the insurers are not our friends. They will use every opportunity to secure information which they will then use to deny access to care. I'm sure that you share my interest in getting the proper care to those who need it while protecting their privacy.

I strongly believe that the confidentiality regulations, as written today, securely protect the privacy of patients and families who receive treatment for drug and alcohol addiction or dependence and should not be modified in any way. Some studies show that only 15-20 percent of the people who need treatment for addiction actually receive it.

Letter: Ms. Janice Staloski

Page two

One of the strong reasons that many people do not seek treatment is because of the stigma. The confidentiality regulations, as written today, provide the privacy protection for these patients. Without that protection, the number of people seeking treatment is likely to decrease even more. If that happens, there will be significant implications for our communities. People who are not treated for addiction will actually increase costs to our communities, to our healthcare system, and to our criminal justice system. Addiction, drug abuse, and dependence are the most significant public health problems in our country today, and we have an obligation as professionals to do everything we can to get as many people into care as possible and to do everything necessary to protect their privacy.

I am also concerned that if the confidentiality regulations change, there is a potential for undermining Pennsylvania Act 106 of 1989. By providing the insurers with "information necessary to accomplish the specific disclosures", they will utilize this to make decisions based on medical necessity. Of course, we know that "medical necessity" may be interrupted by the insurer in such a way as to favor their decision to restrict care.

Act 106 and the Patient Placement Criteria are in place to get appropriate care to those who need it, and we should not support a change which may actually cause harm to those we are trying to help.

Thank you for giving me this opportunity to express my opinion.

Sincerely,



Kenneth S. Ramsey, Ph.D.  
President and CEO

Cc: Independent Regulatory Review Commission  
Senator Edwin Erickson  
Senator Vincent Hughes  
Representative George Kenney  
Representative Frank Oliver  
Deb Beck  
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