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 Chairman of the Board

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March 23, 2007

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Division of Drug and Alcohol Program Licensure
 Attn: Cheryl Williams
 Pa Department of Health
 132 Kline Plaza, Suite A
 Harrisburg, PA 17104

Re: Comments 4 PA Code Section 255.5 (b)

Dear Ms. Williams,

The following are our comments on the proposed regulations which rescind regulations that protect the confidentiality and privacy of individuals receiving drug and alcohol treatment.

Such a rescission turns back the clock of the protected rights of individuals. The national trend has been for more protection as evidenced by the recent protections afforded through HIPAA.

The purpose for the rescission as stated by the Department of Health is absolutely incorrect. The Department of Health stated the following:

"The Department seeks to rescind Section 255.5 (b), in part and Section 255.5 (b) of Title 4, Chapter 255 of the Pennsylvania Code because these provisions are outdated and impede service delivery & the coordination of care for individuals with substance abuse problems. The rescission is in the public's interest."

Since when is invading the privacy of individuals in the public interest? This rescission seems to be in the best interest of the insurance companies which continue to deny treatment to addicts and alcoholics; thereby continuing the vicious cycle of generational addiction.

As the largest chemical dependency treatment organization in the Commonwealth, Gaudenzia has not heard complaints from referral sources, government agencies or the court system concerning the current regulations by which we have operated under since their inception. The only complaints are from the insurance industry which has a monetary interest in the denial of treatment. The Department of Health further stated:

"More specifically, Section 255.5 (b) identifies what information may be released to judges, probation or parole officers, insurance companies,

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health or hospital plans and government officials" for the purpose of determining the advisability of continuing the client with the assigned project." The information that may be released includes: (1) whether the client is or is not in treatment; (2) the prognosis of the client; (3) the nature of the project; (4) a brief description of the progress of the client; and (5) a short statement as to whether the client has relapsed into drug, or alcohol abuse and the frequency of such relapse."

As the largest provider of services for the criminal justice system in the Commonwealth, Gaudenzia has worked with judges, probation & parole and has provided the information permitted in the current regulations and know that the information is sufficient for these individuals.

Insurance companies and more specifically managed care organizations complain they do not have sufficient information. This is the same group that has taken the Insurance Commissioner to court over a policy statement upholding Act 106. These same insurance companies previously had completely ignored Act 106 and denied benefits to suffering alcoholics and addicts. The policy that the insurance companies are challenging in court states:

"The only prerequisite before an insured obtains non-hospital residential and outpatient coverage for alcohol and drug dependency treatment is a certification and referral from a licensed physician or licensed psychologist"

Act 106 of 1989 requires all commercial group health plans and health maintenance organizations provide comprehensive coverage of addiction treatment. The insurance companies want to deny treatment even when a medical doctor prescribes such treatment.

A clear reading of the notice of rescission strongly suggests that it has been chauffeured by the insurance industry which has history of denying services to suffering addicts and alcoholics. To suggest that such a rescission is in the public interest dismisses the rights of the addicts and alcoholics afforded them not only by HIPAA but also the Americans with Disabilities Act and the Rehabilitation Act. In the case of Gaudenzia specifically such rescission does have an adverse impact on a protected class of individuals under the State & Federal laws prohibiting discrimination.

Gaudenzia opposes the rescinding of the confidentiality regulations. We do not believe that it would at all improve individual's access or quality of treatment

Sincerely,

Michael Harle, President
Gaudenzia, Inc.