

MESSAGE CARRIERS

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DEPARTMENT OF HEALTH

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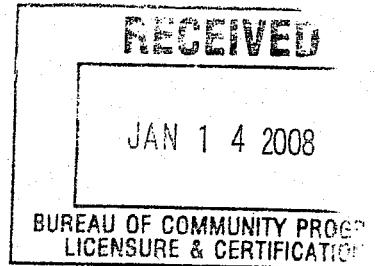
2008 JAN 15 PM 4:43
2008 JAN 23 AM 9:49
The day is here when recovery from addiction is not viewed as a curse...
OFFICE OF LEGAL COUNSEL

INDEPENDENT REGULATORY
REVIEW COMMISSION

5907 Penn Avenue, Suite 215 • Pittsburgh, PA 15206 • 412-361-0142 • Fax 412-361-2083

2654

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



Dear Ms. Staloski,

Thank you, for allowing us the chance to appraise as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient record and information.

On behalf of Message Carriers of Western PA, I am writing to appeal that no changes be made to this particular regulation. At this time, we would urge an extension to the deadline for a decision on these regulations for an additional 30 days to allow time for needed input and discussion with the Community of Recovery. These regulations threaten to cause more damage to the individuals we represent than the convenience it promises for bureaucracies and the health insurance industry.

Message Carriers is an advocacy organization located in the western region designed to educate our community on recovery and addiction by promoting improved treatment for chemically dependent person. We strive to fight against stigma and discrimination for people seeking treatment, family members and those in long term recovery. We are a volunteer-driven organization with hundreds of people who can be harmed dramatically by the change of this law.

The opposition we have with the PA Confidentiality Regs (4 PA Code 255.5 (b) is the new proposed section (c) (2) (ii) (A)-(G) requires a lengthy inventory of mostly new information to be provided to the insurer. Almost all of the items listed have been used unfairly by third-party payers to deny treatment. Some of these items have been used to downcode the level of treatment provided when they are in fact, indicators of a need for more intensive care. (For example, wavering motivation) In the past, even desperately ill patients have been penalized for not being mentally ill or on the other hand, have been penalized for having a stable home (!)- and therefore, denied treatment.

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Additionally, the language in the proposed regulations section (c)(2)(i) are too vague and therefore subject to broad interpretation. "A program shall limit the patient information released to government officials and third party payers to the information necessary to accomplish the specific purpose for the disclosure." We have no idea what this means! Who decides what is the "specific purpose" of the disclosure is? This vague terminology would allow third party payers to request information beyond what is needed for medical necessity review. We strongly oppose this vague, ambiguous language that would subject those in treatment and early recovery to a breach of personal, private information intended only to be shared in the trusted environment of the treatment facility for that individual's healing and recovery.

We again request a minimum of 30 days extension to the comment period for these proposed regulations. Absent an extension for review, we strongly oppose any revisions to 4 PA Code 255.5(b). Those in early and long term recovery from addictions in Pennsylvania and those in treatment or in need of treatment have the most at stake here by the proposed changes to these regulations. And yet, our voices have not been called upon for input. Pennsylvania is making progress in developing a mental health system that is responsive to, and driven by, the needs of the mental health community. The community of Pennsylvania's recovering from the disease of addiction is asking for the same consideration and respect.

Thank you for the opportunity to share our comments.

Sincerely,



Robin H. Spencer, MS, MHS, CCDP
Executive Director
Message Carriers of Western PA

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BUREAU OF COMMUNITY
LICENSURE & CERTIFICATION

January 10, 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 just reviewed the Department of Health's proposed regulation NO.-10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information. I wish that I had more time to review this proposal and some of the commentary arising from it.

I have worked as an addiction counselor and Program Director in various agencies and private practice since 1970. The current regulations on confidentiality have never posed a problem and indeed, have helped ease anxieties and encouraged sharing and openness on the part of the many persons I have served.

This proposal, I strongly believe deserves much more perusal and discussion especially with persons who are in recovery after having received services in the past. It could have a profound impact on those considering or in treatment.

I urge you to consider extending the deadline for review and commenting by at least 30 days and also arrange for some regional public discussions to allow for clearer comprehension of the potential impact of the proposed changes.

Sincerely,

The Rev. J. David Else
272 Caryl drive
Pittsburgh, PA 15236

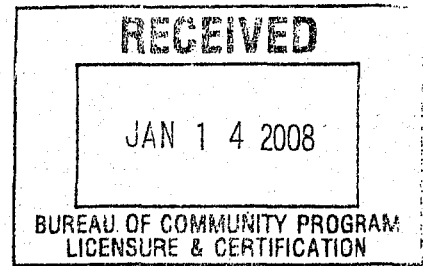
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January 8, 2008

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RE: Proposed Regulation

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I JEROME COLEMAN a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Signature

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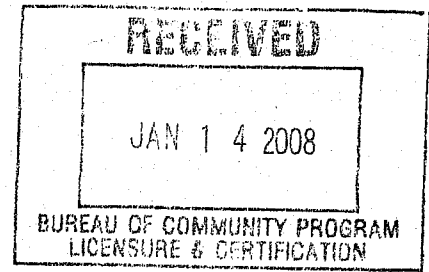
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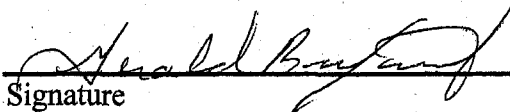
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I Gerald Bryant a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

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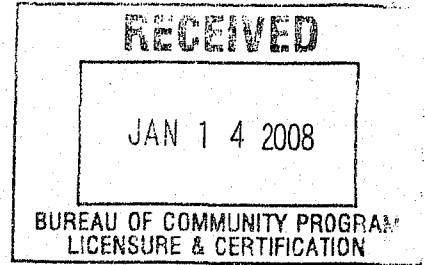
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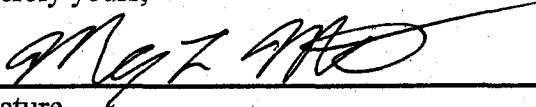
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I Arthur I. Young a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

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Arthur I. Young
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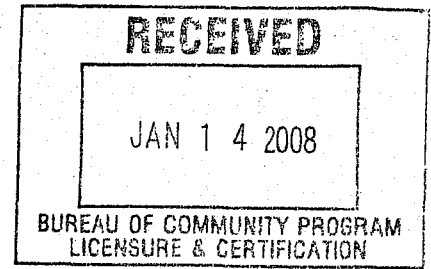
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Dear Ms. Staloski,

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I Andrea J. Trowery a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Andrea J. Trowery
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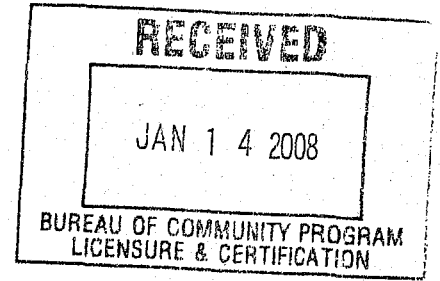
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Dear Ms. Staloski,

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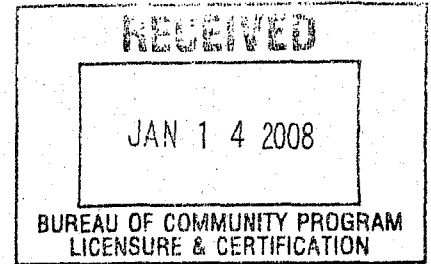
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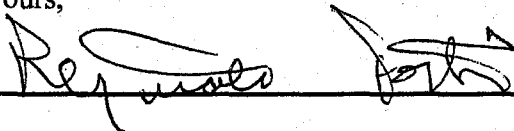
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I Reggie Portis a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

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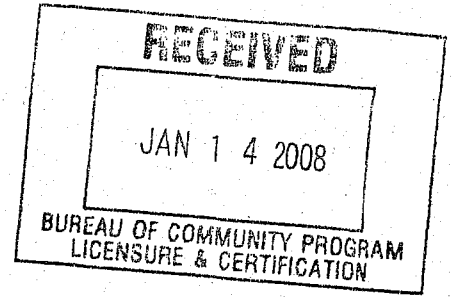
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I Theresa Turner a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

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RE: Proposed Regulation

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Sincerely yours,

Theresa Murphy
Signature

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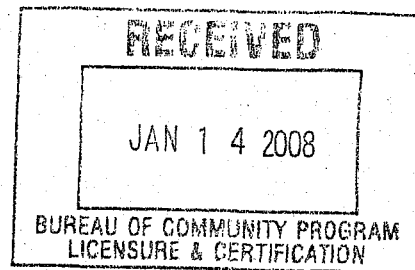
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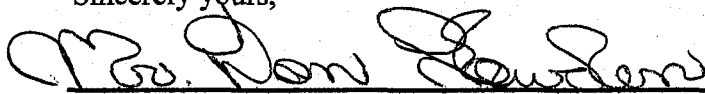
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Dear Ms. Staloski,

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I. DON FLOWDEN a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

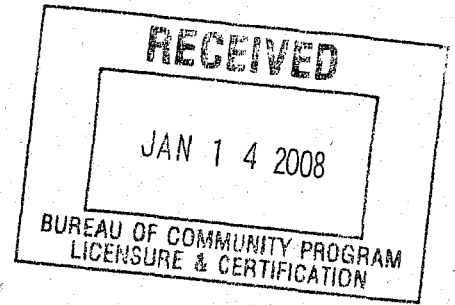
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RE: Proposed Regulation

Dear Ms. Staloski,

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I MARION LEWIS a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Marion Lewis
Signature

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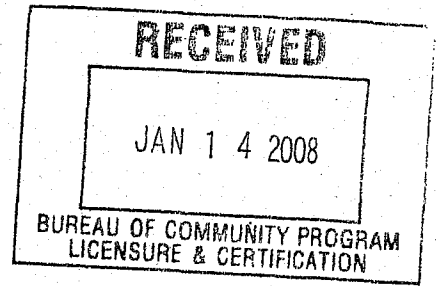
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RE: Proposed Regulation

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I Carol Ramsey a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Carol Ramsey
Signature

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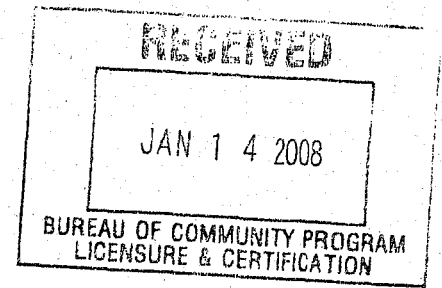
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I Latika Davis-Jones a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

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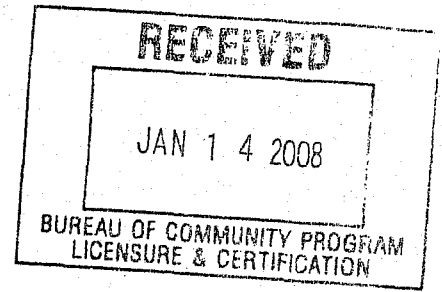
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Sincerely yours,

Shadena Higgins
Signature

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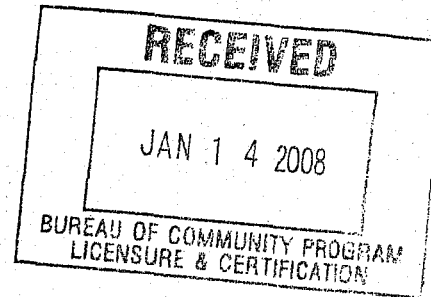
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Sincerely yours,

Regina Blackshear
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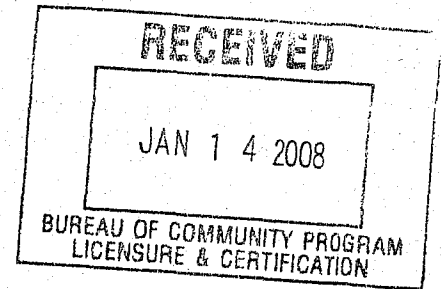
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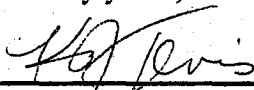
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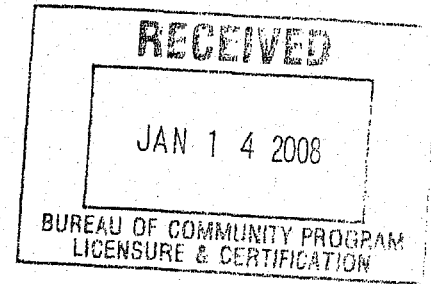
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RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I Marie Garcia-Knoche a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Signature

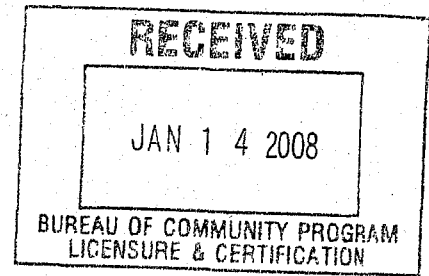
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DEPARTMENT OF HEALTH

2008 JAN 23 AM 9:51 2008 JAN 15 PM 4:45

INDEPENDENT REGULATORY
REVIEW COMMISSION

OFFICE OF LEGAL COUNSEL

2654



January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I Kenneth A. Walker a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Kenneth Walker

Signature

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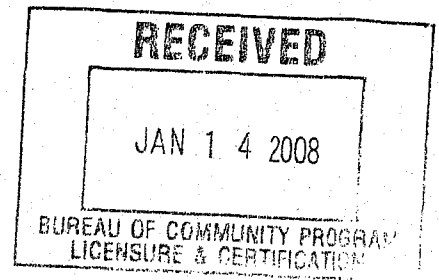
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INDEPENDENT REGULATORY
REVIEW COMMISSION

RECEIVED
DEPARTMENT OF HEALTH

2008 JAN 15 PM 4: 45

OFFICE OF LEGAL COUNSEL



2654

January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol-addiction treatment patient records and information.

I RICA KUSH a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Signature

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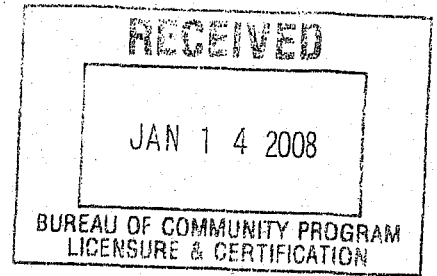
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2654



January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I Richard Butcher a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Richard Butcher

Signature

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2008 JAN 23 AM 9:51

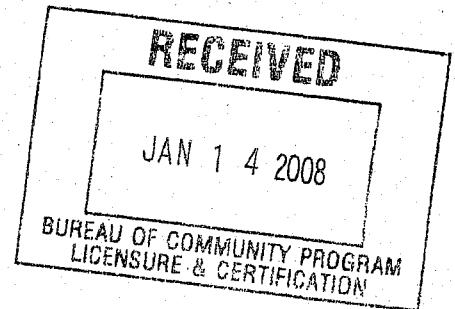
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January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I Charles H. Ainsworth a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

A handwritten signature in cursive script that reads "Charles H. Ainsworth".

Signature

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2008 JAN 23 AM 9:51

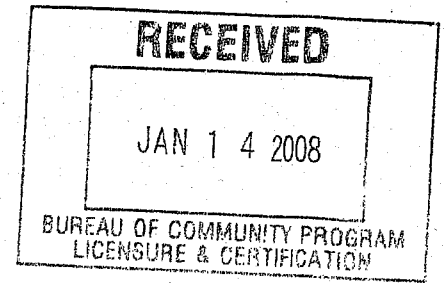
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OFFICE OF LEGAL COUNSEL

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January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I Monique Brown a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Monique Brown
Signature

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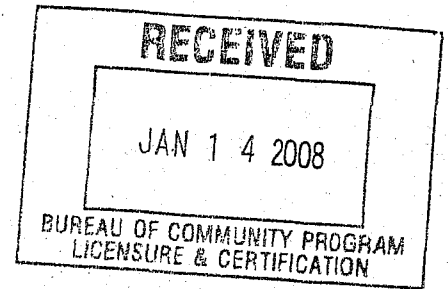
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DEPARTMENT OF HEALTH

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OFFICE OF LEGAL COUNSEL



2654

January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

Michael Rodriguez a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,



Signature

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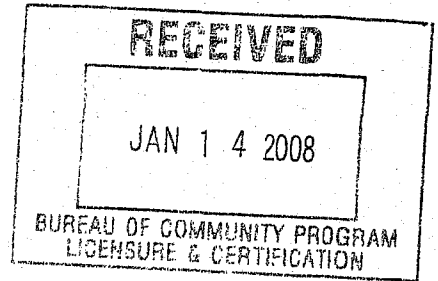
INDEPENDENT REGULATORY
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DEPARTMENT OF HEALTH

2008 JAN 15 PM 4:45

OFFICE OF LEGAL COUNSEL

2654



January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I Karen Stalker a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Karen Stalker
Signature

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2008 JAN 23 AM 9: 51

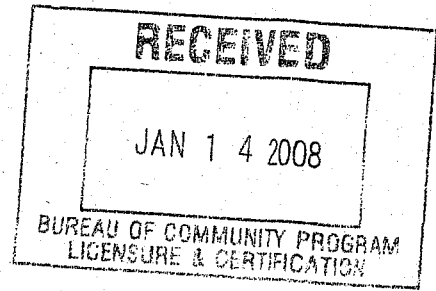
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OFFICE OF LEGAL COUNSEL

2654



January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I ROBERT MARINOV a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

A handwritten signature in cursive script that reads "Robert L. Marinov". The signature is written in dark ink and is positioned above a horizontal line.

Signature

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2008 JAN 23 AM 9:52

INDEPENDENT REGULATORY
REVIEW COMMISSION

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DEPARTMENT OF HEALTH

2008 JAN 15 PM 4:45

OFFICE OF LEGAL COUNSEL

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JAN 14 2008

BUREAU OF COMMUNITY PROGRAM
LICENSURE & CERTIFICATION

2654

January 8, 2008

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

RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I, Harry Burrie a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,

Harry Burrie
Signature

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2008 JAN 23 AM 9:52

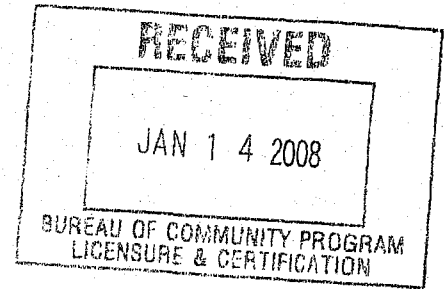
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Bureau of Community Program Licensure
And Certification
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Harrisburg, PA 17104

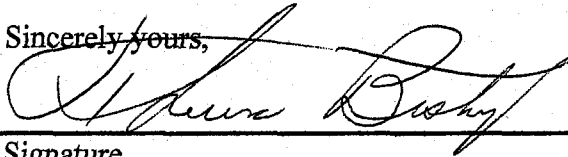
RE: Proposed Regulation

Dear Ms. Staloski,

Thank you for allowing me the chance to review as well as comment on the Department of Health's Proposed Regulation No.10-186 regarding confidentiality of drug and alcohol addiction treatment patient records and information.

I Thomas Bishop a member of Message Carriers of Western PA write in collaboration with the advocacy efforts throughout the state of PA in order to oppose this proposed regulation No. 10-186. The proposed legislation will eliminate the major trust factor between client and counselor upon which treatment is built to ensure successful recovery. For this reason alone, I join with the other advocacy, treatment facilities and community groups who say "Do Not Change The Regulation."

Sincerely yours,



Signature