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JAN 14 2008
BUREAU OF COMMUNITY PROGRAM
LICENSURE & CERTIFICATION

ANDREW F. SUSKO

2654

January 11, 2008

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

RECEIVED
2008 JAN 23 AM 9:46
INDEPENDENT REGULATORY
REVIEW COMMISSION

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.*