

# The Philadelphia Alliance

Representing Community Providers for People with Mental Health, Mental Retardation and Chemical Dependency Needs.

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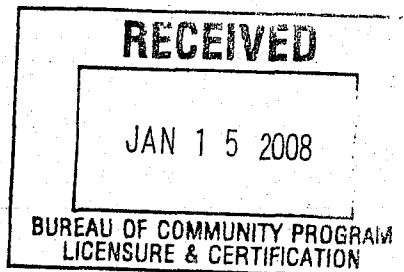
Sharon Kauffman  
Past President

Tim Wilson  
Executive Director

Barber National Institute  
CareLink Community Support Services  
Carson Valley School  
Catholic Social Services  
Center for Autistic Children  
Children's Crisis Treatment Center  
Children's Services, Inc.  
Community Integrated Services  
Congreso de Latinos Unidos  
Devereux Community Services of Phila.  
Elwyn, Inc.  
EMAN Community Living, Inc.  
Gaudenzia, Inc.  
Horizon House, Inc.  
Intercultural Family Services, Inc.  
JEVS Human Services  
KenCCID  
Ken-Crest Services  
Lynch Community Homes  
Mental Health Assoc. of SE PA  
NorthEast Treatment Centers  
Northern Home for Children & Family  
PDDC / ARC  
Pennsylvania Mentor  
Philadelphia Consultation Center  
Philadelphia Health Management Corp.  
Philadelphia Mental Health Center  
Philadelphia OIC  
Programs Employing People  
Quality Progressions  
Resources for Human Development  
Self-Help Movement, Inc.  
Special People in Northeast, Inc.  
St John's Community Services  
Step-by-Step  
Tabor Children's Services  
The Association for Independent Growth  
The Salvation Army  
United Cerebral Palsy of Philadelphia  
Walker Memorial Training Center  
Wedge Medical Center  
Wordsworth Academy

January 14, 2008 INDEPENDENT REGULATORY  
REVIEW COMMISSION

Ms. Janice Staloski, Director  
Bureau of Community Program Licensure  
and Certification, Dept. of Health  
132 Kline Plaza, Suite A  
Harrisburg, PA 17104-1579



Dear Ms. Staloski,

The Philadelphia Alliance of specialized agencies is a professional organization of 43 provider agencies in Philadelphia that serve more than 50,000 people in Pennsylvania with needs related to mental retardation, mental illness, and chemical dependency.

I am writing you today on behalf of our members to express our support of the proposed changes to 4 Pa. Code § 255.5.

The Philadelphia Alliance agrees that the federal Alcohol and Other Drugs Confidentiality Rule allows an important balance between protecting highly sensitive patient identifying information and allowing disclosure of PII in appropriate situations, with valid consents where required. As you know, current Pennsylvania law prevents disclosure even when it would benefit the consumer's ability to obtain needed services, and even when a competent consumer wishes to have the information disclosed. The reality is that compliance with the current statute places providers in an untenable situation where statutory law sometimes conflicts with professional best practices.

The Alliance believes that the following proposed changes are of particular importance to consumers, and to providers' ability to serve them:

- § 255.5(b): This proposed change clarifies that the consumer's record belongs to the provider entity, and that the consumer has control over his/her individual record.
- § 255.5(c): Perhaps most significant of all the proposed changes, this section would allow the provider to comply with a consumer's authorization, as expressed in a valid, informed, and voluntary written consent, to release information beyond what is allowed by current § 255(b). Specifically, this change would also facilitate treatment of consumers with a co-occurring disorder. The change would allow for disclosure of treatment records to medical personnel for diagnosis, treatment, or referral for treatment, and to government and third party payers in order to facilitate authorization of necessary treatment services.

§ 255.5(c) continued: As drafted, the expansion of disclosure allowed here would be balanced by limitations and restrictions that would protect the consumer's privacy, and protect the provider against inappropriate requests for information. Significantly, this change would improve efficiency in obtaining appropriate authorizations from MCO's with fewer issues about what is appropriate consumer information available for evaluation.

- § 255(d): This proposed change would respect the consumer's right to confidentiality, while recognizing the rights and safety of others. Under this proposed change, as under federal law, Pennsylvania providers would be allowed to release PII that is directly related to the consumer's commission of a crime on the provider's premises, or threat to commit such a crime.
- § 255(d)(4): This proposed change would allow providers to report child abuse without it being a breach of confidentiality. This change is in keeping with the federal AOD Confidentiality Rule, and Pennsylvania's own law regarding mandated reporting of suspected child abuse.
- § 255(d)(6): This proposed change, like its federal counterpart, allows for disclosure for purposes of licensure, audit, and evaluations. For obvious reasons, it is in the best interests of consumers for their treatment providers to be held accountable for the services they provide.
- § 255(d)(7): This proposed change is important because, like the federal Confidentiality Rule, it restricts what can be disclosed, notwithstanding any other provision permitting disclosure, to that which is relevant and necessary to the specific purpose of the disclosure.
- § 255(e): In every other medical situation, patients have the right to access their own records. This change would allow what should be the inherent right of consumers to access their records, with a caveat that permits withholding of information when a professional, based on his/her professional judgment, determines that access to specific information may be detrimental to the consumer.

The members of The Philadelphia Alliance support and endorse the proposed changes because they will facilitate provision and receipt of quality and coordinated services and, in so doing, benefit all consumers. Thank you for receiving our input.

Sincerely,



Tim Wilson  
Executive Director