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**Pennsylvania  
Psychiatric Society**

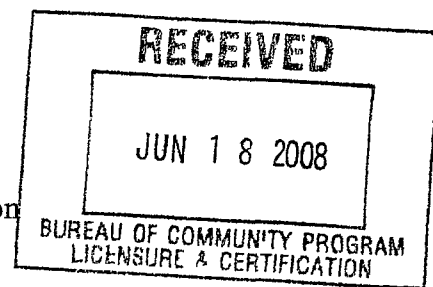
*The Pennsylvania  
District Branch of the  
American Psychiatric Association*

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June 16, 2008

2008 JUN 26 PM 2:15

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



Dear Ms. Staloski:

On behalf of the Pennsylvania Psychiatric Society, an organization representing 1700+ psychiatrists across the Commonwealth, I would like to express our support of the changes to 4 Pa. Code §255.5 (Confidentiality of Patient Records) being proposed by the Department of Health (Department). We believe that the implementation of comments received by the Independent Regulatory Review Commission and other interested stakeholders has strengthened the proposed regulations to further protect the rights of those patients receiving treatment for substance abuse in various practice settings. We support these changes for the reasons stated below.

Current regulations have been rightly criticized for severely limiting what treatment providers may release to third parties, particularly insurance providers and law enforcement officials. This has had the effect of limiting access to care, and/or limiting information providers can release which the providers believe to be in the patient's best interest, even with the patient's consent. The limitations have served the purpose of protecting patients from unreasonable demands by insurers, who may coerce patients into disclosing more than they would like, in order to access services. There is a balance that must be struck, and we believe the current revisions to the regulations get it right.

As treatment providers, it is reassuring to know that, when releasing information to third party payers for reimbursement or to coordinate care, we do not have to fear being cited by the Department for releasing information that currently is not allowable by law.

We applaud the Department for giving patients the option to review their own records, while allowing providers to redact certain portions of the records in the event that the patient could suffer physical or mental anguish by reviewing sensitive information about their care.

Patients who suffer from substance abuse are often plagued with other co-morbid conditions, including mental illness and physical ailments. We recognize the advances in treatment that have occurred since the original drafting of the 4 Pa. Code §255.5 regulations. By expanding the list of items which can be released to third parties with patient consent, drug and alcohol treatment providers are given the ability to distinguish between substance abuse and mental health disorders to determine if treatment for these co-morbidities can occur concurrently to optimize patient recovery.

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While we support the proposed regulations in their current form, we do remain concerned that information sharing appears to be expanded for third party payers, government agencies, but not between treatment providers. §255.5 (c) (1) states that “with the patient’s written consent, a program may release information from a patient record to medical personnel for the purpose of diagnosis, treatment or referral for treatment.” However, it stops short in allowing information sharing between treatment providers, except via non-consensual release in the event of a life-threatening situation. We believe that the inability to share information is often a hindrance to treatment when the patient is seeing two separate treatment providers for treatment of substance abuse and mental health issues concurrently during his or her recovery. We would like to see 4 Pa. Code §255.5 regulations expanded to allow access to medical records between treatment providers with patient consent in order to better integrate the patient’s physical and mental health needs.

We thank the Department for their willingness to modify the current 4 Pa. Code §255.5 regulations by attempting to strike the appropriate balance between providing the best possible care to patients suffering from substance abuse and protecting their rights and freedoms afforded them by allowing them to make their own decisions on their medical care. We trust that these changes will result in additional access to care for those individuals needing treatment for drug and alcohol dependency. Thank you for the opportunity to comment on these important regulations. Please feel free to use us as a resource at any time on this or any other issues related to mental health and substance abuse.

Sincerely,



Mary Anne Albaugh, MD  
President