



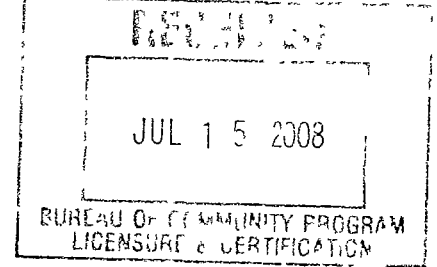
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Pennsylvania Recovery Organization - Achieving Community Together

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



Subject: Rulemaking No.10-186 regarding the State confidentiality protections of drug and alcohol treatment records.

Dear Director Staloski

We are writing to you from PRO-ACT: The Pennsylvania Recovery Organization-Achieving Community Together

We represent advocacy for recovery in the Southeastern part of Pennsylvania and have been engaged in the various meetings and hearings on the subject regulations.

We understand that the present Confidentiality Code (255.5) is thought by some to impede the exchange of patient information needed by Medical Personnel, Insurers and Third Party Payers and *may* possibly create a problem for some to get the services that they need. However, most Addiction, Treatment and Recovery professionals across the Commonwealth are of the opinion that if and where certain problems do exist, they can best be resolved with better training, administrative practices and clarification of intent.

They and we are strongly of the opinion that addiction recovery in Pennsylvania is well served by the confidentiality protections provided by 4 Pa. Code 255.5. The proposed changes (Department of Health Proposed Regulation 10-186) however contain vague and ill-chosen language which at best could be misinterpreted and at worst could seriously impact a patients' course of treatment, insurance coverage and personal confidentiality and privacy. This language is such that it is extremely difficult for many of the most senior Addiction, Treatment and Recovery professionals across the Commonwealth to understand.

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PRO-ACT is a grassroots initiative hosted by the Bucks County Council on Alcoholism and Drug Dependence, Inc , a private, non-profit organization
PRO-ACT is partially funded by the following entities The City of Philadelphia, Department of Behavioral Health/Mental Retardation Services,
Bucks County Drug and Alcohol Commission, Inc , under a contract between the Pennsylvania Department of Health and the County of Bucks,
Montgomery County Mental Health/Mental Retardation/Drug and Alcohol/Behavioral Health Programs, and
The Department of Health, Chester County Department of Drug and Alcohol Services, Commonwealth of Pennsylvania



Ambassadors for Recovery

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We also believe that these proposed changes contain very serious legal and administrative conflicts as they relate to Federal Law (HIPAA) and State Law (Act 106) and as confidentiality is an important key to addiction recovery, this too is at jeopardy. The process of recovery is one of many fragile steps and many people in recovery are aware that lives have been diminished by exposure of this most sensitive information.

We believe these proposed changes will jeopardize the legally protected confidentiality of many of those seeking and/or in treatment. This can come about as a result of unwarranted revelation of past or present addiction disease diagnoses, prognoses and treatment, to insurers, employers, agencies and medical personnel not involved in the patients' current addiction disease treatment. Confidentiality is a critically important key to addiction recovery. This risk is real and not worth taking!

Therefore, based on the serious impact that could result if these proposed changes are adopted as they now stand, we are asking that all parties involved do all in their power to see that the adoption process is halted and that any suggested new regulation be thoroughly reviewed and commented upon by the appropriate legislative bodies as well as by professionals and providers in Pennsylvania's Addiction, Treatment and Recovery community.

Thank You,

Allen McQuarrie

Chair PRO-ACT