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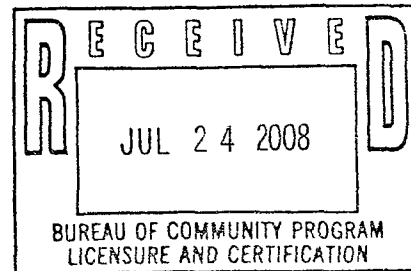
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July 23, 2008

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

Dear Ms. Staloski:

The National Association of Social Workers, PA Chapter (NASW-PA) would like to offer comments on the draft final form regulation #10-186; Confidentiality of Patient Records and Information issued by the Department of Health.

The NASW-PA Board has voted to support the changes with the following comments for the consideration of the Department of Health. We respect the Department's need for change and recommend a cautious process as these regulations progress through the regulatory review process.

NASW-PA recommends clear guidelines for what information on clients can be requested and provided. Social workers are concerned that managed care organizations may look for more information than may be needed or they are actually entitled to.

Social workers are concerned that the confidential information provided under these regulations will be used against the client, especially if the information provided details illegal acts, which are often comorbid with drug issues. NASW-PA recommends the following language be added to the final form regulations §255.5 (d) (3) *Nonconsensual release of information from patient records.*

(3) **“Upon the initiation of an investigation by law enforcement personnel”** a program may disclose to law enforcement personnel information from a patient record, without the patient's consent, that is directly related to a patient's commission of a crime on the premises of the program or against program personnel or a threat to commit a

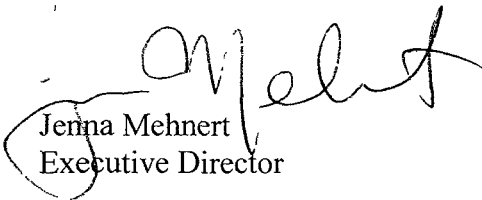
crime. The information released under this paragraph shall be limited to the circumstances of the incident, including the patient status of the individual committing or threatening to commit the crime, that individual's name and address and that individual's last known whereabouts." Additionally, in §255.5 (d) (7) (iii) the statement "as readily as possible" is vague. NASW-PA recommends the language should define some specific parameters such as "If the client is currently participating in the program, the client should be informed in writing within 24 hours of the request of records. If the client is no longer participating in the program, the client should be informed in writing within 7-10 days of the request of records."

Although the regulations provide for consent to sharing of information, social workers believe the client should have the ability to consent, within the scope of the law, and be involved in decision-making process. We also believe that managed care companies should not be given more information than what is legally necessary to make appropriate decisions.

Previously, NASW-PA sent letters in favor of the proposed regulations and then changed our position to neutral, which reflected the controversial nature of this regulation change. As NASW-PA represents a diverse group of social workers working in drug and alcohol settings, mental health settings and managed care settings, our members are strongly divided on the benefits proposed by the draft final form regulations.

Again, NASW-PA appreciates the opportunity to have input on these regulations as they progress through the regulatory review process.

Sincerely,



Jenna Mehnert
Executive Director