

ALLEGHENY COUNTY DEPARTMENT OF HUMAN SERVICES

Marc Cherna, Director

Dan Onorato, Allegheny County Chief Executive



Office of Behavioral Health
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August 15, 2008

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17101

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INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: Department of Health Regulation, 4 Pa. Code § 255.5

Dear Director Kaufman:

We are writing to express our support for the proposed revisions to the Department of Health's regulations relating to the confidentiality of drug and alcohol treatment records, 4 Pa. Code § 255.5. As a Single County Authority, the Allegheny County Drug and Alcohol Program provides planning and administrative oversight for the provision of drug and alcohol services at the local level, and we believe that the proposed revisions to Pennsylvania's drug and alcohol confidentiality regulations are in the best interest of our clients. In short, these changes to the confidentiality regulations will help our clients to access safe, quality coordinated care.

The proposed revisions will empower clients by giving them the right to control their own medical information. Recognition of these client rights will provide additional tools to assist them in their recovery. The manner in which the system currently operates under the existing 4 Pa. Code § 255.5 limits effective treatment delivery and coordination of treatment with medical, social service and other systems of care because providers can be prohibited from releasing information, even when clients give their consent. Without the ability to share basic information, clients cannot get the coordinated services they need. Under the proposed revision, clients will have the choice to release information in order to access clinically appropriate services, and to assure effective coordination of those services.

Opponents of the proposed revisions claim the new regulations will hurt client privacy. This is false. First, the essence of privacy is the ability of the client to direct what personal information is disclosed and to whom it is disclosed. The proposed revisions will only increase these privacy rights by eliminating unnecessary limitations on the client's ability to authorize appropriate disclosure of information. Second, if these proposed changes are approved, Pennsylvania will continue to have one of the strongest drug and alcohol confidentiality regulations in the country. Personal information will continue to be protected by the Pennsylvania regulations, federal drug and alcohol confidentiality regulations, federal HIPAA regulations and the Pennsylvania Drug and Alcohol Abuse Control Act.

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We urge you to approve these needed revisions to Pennsylvania's drug and alcohol confidentiality regulations. The proposed changes offer a positive, client-controlled solution that will ensure our clients receive needed substance use treatment services to support long term recovery, while their personal information remains appropriately protected.

Sincerely,

James C. Allen, Administrator
Allegheny County Drug and Alcohol Program

- Cc:
- | | |
|-----------------------------------|-----------------------------------|
| Honorable Tim Seip | Honorable Bryan Cutler |
| Honorable John Myers | Honorable Maureen Gingrich |
| Honorable Eddie Day Pashinski | Honorable Rob W. Kauffman |
| Honorable Jake Wheatley | Honorable Beverly Mackereth |
| Honorable Kerry A. Benninghoff | Honorable Fred McIlhattan |
| Honorable Douglas G. Reichley | Honorable Chris Ross |
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| Honorable Leanna M. Washington | |