



CITY OF PHILADELPHIA

Promoting Recovery, Resilience & Self Determination

Donald F. Schwarz, MD, MPH
Deputy Mayor, Health & Opportunity
Health Commissioner

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August 15, 2008

The Honorable Frank Louis Oliver
Majority Chairperson
House Health and Human Services Committee
Room 34E East Wing
Harrisburg, PA 17120-2195

The Honorable Edwin B. Erickson
Majority Chairperson
Senate Public Health & Welfare Committee
281 Main Capitol Building
Harrisburg, PA 17120-3026

The Honorable George T. Kenney, Jr.
Minority Chairperson
House Health and Human Services Committee
Room 108 Ryan Office Building
Harrisburg, PA 17120-2170

The Honorable Vincent J. Hughes
Minority Chairperson
Senate Public Health & Welfare Committee
543 Main Capitol Building
Harrisburg, PA 17120

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

RECEIVED
2008 AUG 22 AM 9:00
INDEPENDENT REGULATORY
REVIEW COMMISSION

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

Dear Honorable Committee Chairpersons and 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 Office of Addiction Services for the City of Philadelphia 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 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 because providers can be prohibited from releasing information, even when clients give their consent. Without the ability

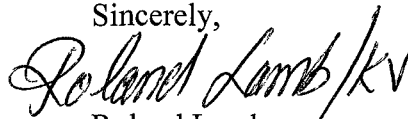
Office of Mental Health (OMH) 1101 Market St., 7th Fl., Phila., PA 19107 (215) 685-5400
Office of Addiction Services (OAS) 1101 Market St., 8th Fl., Phila., PA 19107 (215) 685-5403
Community Behavioral Health (CBH) 801 Market St., 7th Fl., Phila., PA 19107 (215) 413-3100
Mental Retardation Services (MRS) 701 Market St., Suite 5200, Phila., PA 19106 (215) 685-5900

to share basic information, clients cannot get the services they need. Under the proposed revision, clients will have the choice to release information in order to access clinically appropriate 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.

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,



Roland Lamb

Director of Addiction Services

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
	Honorable Curtis G. Sonney	Honorable John Taylor
	Honorable Louise Williams Bishop	Honorable Katie True
	Honorable Angel Cruz	Honorable Katharine M. Watson
	Honorable Lawrence H. Curry	Honorable Patricia H. Vance
	Honorable Thaddeus Kirkland	Honorable Joseph B. Scarnati, III
	Honorable Kathy Manderino	Honorable Lisa Baker
	Honorable Barbara McIlvaine Smith	Honorable Jane Clare Orie
	Honorable Phyllis Mundy	Honorable Mary Jo White
	Honorable Tony J. Payton, Jr.	Honorable Robert C. Wonderling
	Honorable Frank Andrews Shimkus	Honorable Jay Costa
	Honorable Ken Smith	Honorable Shirley M. Kitchen
	Honorable Ronald G. Waters	Honorable Leanna M. Washington

cc:	Donald F. Schwarz, MD	Arthur C. Evans, Ph.D.	Michael J. Covone
	Nancy Lucas		