

#2654.



Council

Linda A. Cartisano
Chairman

John J. Whelan
Vice-Chairman

Christine Fizzano Cannon
Thomas J. McGarrigle
Andy Lewis

**COUNTY OF DELAWARE
DEPARTMENT OF HUMAN SERVICES**

Office of Behavioral Health

**20 South 69th Street
Upper Darby, PA 19082**

**www.co.delaware.pa.us
610-713-2365
FAX # 610-713-2483**

August 15, 2008

Dorothy Klein, Director
Department of Human Services
MH/MR Administrator

Jonna L. DiStefano, M.A.
Edward Sulek, M.H.S., C.A.C.
Office of Behavioral Health

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17107

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

Dear Mr. Kim 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 Delaware County Drug and Alcohol Program under the auspices of the Delaware County Office of Behavioral Health, 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 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

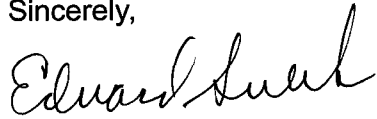
RECEIVED
2008 AUG 22 AM 9:00
INDEPENDENT REGULATORY
REVIEW COMMISSION

August 15, 2008
Mr. Kim Kaufman
Page 2

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,



Ed Sulek, Director
Delaware County D&A Program

ES/mt

cc: Jonna L. DiStefano