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November 22, 2010

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 Office of Mental Health & Substance Abuse Services
 Department of Public Welfare
 233 Beechmont Building
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 PO Box 2675
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RE: Proposed Regulation No. 14-522

Gaudenzia operates an adolescent drug and alcohol treatment facility in the Harrisburg area. These comments are made on the proposed regulations as they affect that treatment facility.

Gaudenzia does appreciate the work of the Department of Public Welfare in proposing the codifying the requirements for RTFs in one chapter and requiring RTFs to be accredited by COA, JCAHO, CARF or other accrediting entities approved by the Department of Welfare. Nevertheless, there are a few areas of the proposed regulations that serve comment.

Section 23.18 "Recordable Incidents", Paragraphs 5 and 6 require certain items to be recorded if those items did not meet the definition of a "Reportable Incident" in the previous Section 23.17. These new sections are vague and serve no purpose relative a child's safety. If the Department knows of instances of child absences, injuries, traumas or illnesses that do not meet the definition of reportable incidents and would like those recorded, then those instances should be stated with specificity.

Section 23.19 "Child Funds", paragraph e requires the RTF to maintain an interest-bearing account for child funds, with interest earned tracked and applied for the child. The paragraph is too restrictive. There should be an amount that could be held for a child for personal items that would not need to be deposited in an interest bearing bank account.

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Section 23.21 “Confidentiality of Records”, violates the current Pennsylvania laws concerning the confidentiality of records for drug and alcohol treatment facilities. The proposed regulations cites the less restrictive federal regulation relating to the confidentiality of alcohol and drug records, but fails to cite or require the more restrictive Pennsylvania laws. The more restrictive Pennsylvania law provides more protection for the child’s confidentiality.

Section 23.41 – “Family Participation”, is comprehensive in its attempts to have the family participate in the child’s treatment process. In some instances the family does not want to participate to the degree set forth in the proposed regulations. For example, paragraph 9 requires an onsite meeting with the parents when applicable the guardians or custodians within the first 7 days of the child’s admission. The paragraph does not take into consideration if the parents are not cooperative or that the guardian or custodian cannot make the meeting within 7 days. This is especially true if the child is court ordered to the program. Language that takes into consideration that the program has demonstrated its efforts for family participation in the child’s treatment would be more appropriate.

Gaudenzia appreciates the opportunity to comment on the proposed regulations and would be amenable to meet with the Department of Welfare to discuss these comments. I may be contacted at mmoyle@gaudenzia.org.

Sincerely Yours,

Michael J. Moyle

Vice President / Finance & Operations