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October 13, 2026

Chairman George D. Bedwick
Vice Chairman John F. Mizner, Esq.
Commissioner John J. Soroko, Esq.
Commissioner Murray Ufberg, Esq.
Commissioner Dennis Watson, Esq.
Pennsylvania Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Via Electronic Email to: irrc@irrc.state.pa.us

Cc: Barry Decker: bdecker@pa.gov

Re: Final-Form Regulation #14-558 (IRRC Number 3466) Mental Health Procedures Act

Dear Members of the Independent Regulatory Review Commission:

We write to you in our capacities as the Republican Chairman of the House Human Services Committee and as the Prime Sponsor of Act 65 of 2020 (Gabby's Law). We have reviewed the Final-Form Regulation #14-558 and the revisions that were incorporated since the publication of the Proposed Regulation.

We understand that the Department of Human Services (DHS) intends these revisions to align Act 32 of 2022 and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). We support DHS' goal of improving clarity and ensuring consistency with state and federal law, but we require additional information before we can fully assess whether certain changes are needed to achieve this objective.

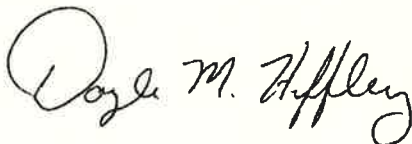
One particular concern is the deletion of the language in Title 55 § 5100.33 (Patient's access to records and control over release of records). Although we recognize that this language predates Act 65 and HIPAA, DHS should further clarify why this language is being removed. The elimination of this language gives the impression that parental rights regarding access to their child's mental health records are being altered. DHS has added the following reference to state law: "Minor Consent shall be in accordance with the Act of February 13, 1970 (P.L. 19, No. 10) (35 P.S. §§10101-10105), Regarding Minors' Consent to Medical Care." Although we appreciate the inclusion of the reference to the state law (which addresses consent to mental health treatment and the release of medical records for minors); the phrasing implies that the statute is being referenced solely for consent-related purposes.

DHS should explicitly affirm, with citations to applicable federal and state law, that these regulatory changes do not modify the existing authority of parents to consent to mental health services for their minor child (regardless of the child's age), or their ability to obtain or authorize the release of their child's medical records under current federal and state law. Should the revisions diminish such authority, we would respectfully request that the Independent Regulatory Review Commission refrain from approving the regulation at this stage.

As noted in comments to the Proposed Regulation, members of the General Assembly frequently receive inquiries from parents regarding the consent provisions related to mental health and access to minors' mental health records. It is imperative that DHS provides clear, transparent, and ongoing guidance on these issues so that families are armed with the required knowledge to access services without delay. We acknowledge that the Preamble states that DHS will provide additional technical assistance as appropriate. Given the importance of these topics, we implore DHS to offer proactive communication with providers, parents, and other stakeholders to ensure a thorough understanding of the applicable laws and their implementation. Additionally, DHS should review existing bulletins including (OMHSAS-23-01) to determine whether updates are needed in light of these regulatory changes.

Thank you for your review of these concerns and please contact us should you have any questions.

Sincerely,



Rep. Doyle Heffley, Chair
House Human Services Committee
122nd Legislative District



Rep. Jason Ortity
46th Legislative District