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September 21, 2026

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Pennsylvania Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

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

Via Electronic Mail to: RA-DHCHAPTR27PROPREG@pa.gov

Re: Regulation #10-242: Communicable and Noncommunicable Diseases (IRRC #3490)

Dear Commissioners:

I appreciate the role the regulatory review process plays in our state government to ensure proper statutory authority is being exercised appropriately. As the representative of the 37th Senatorial District and a citizen of Pennsylvania, I write with strong concerns about the Department of Health's proposed Regulation # 10-242 regarding Communicable and Noncommunicable Diseases under 28 Pa. Code Chapter 27.

The Department of Health is seeking an incredible expansion of power through this regulation that will infringe upon the rights of every individual in this Commonwealth. These regulations will not only erode our civil liberties but will also have unknown economic impacts on already struggling health care providers, all while expanding the power of the executive branch.

While I have chosen to focus my concerns on the issues highlighted below, my focus should not be mistaken for approval or support for other parts of the proposed regulations not discussed in this document.

The proposed regulations begin with the broadening of terms that fundamentally change the scope of the Department's authority relating to communicable and noncommunicable diseases. As proposed in the regulation, "condition" would include "noninfectious medical ailment or

health-related event.” Other terms including “outbreak” and “surveillance” have also been extended while the Department replaces “physician” with “health care practitioner,” greatly expanding who can carry out the powers provided by this regulation.

The Department further proposes a mass collection of health data from emergency rooms without patient consent, even when the patient does not have, or is suspected of having, a reportable disease or condition. Such a reporting requirement would be costly for providers despite the lack of evidence the current system is not working sufficiently. Further, this change is not only an infringement on privacy, but in contrast with the privacy rights long upheld by the courts.

Additionally, the current disease control measures authorize measures such as isolation, surveillance, and quarantine to “protect the public from the spread of infectious agents.” But the proposed regulations expand this authority to include “condition,” the definition of which is overly broad. Such a change removes all restrictions on intrusive powers.

Further, and perhaps most concerning, is the expansion of power to investigate cases, outbreaks, public health emergencies, and unusual occurrences of diseases, infections, and conditions. The Department’s desire to allow warrantless entry to private residences, schools, and other locations the Department deems necessary is chilling.

The language within this proposed regulation would require schools to facilitate access to students and permit Department personnel to meet with those students “in private.” The purpose of the meeting with students goes far beyond disease control and extends to a wide range of services including reproductive health, prenatal care, substance use treatment, mental health services, as well as the all-encompassing “other services.” Most shocking, the Department is demanding this access to students without parental notification or consent.

These regulations are an affront to the citizens of Pennsylvania, who just five years ago approved a constitutional amendment to limit the power of the executive branch during emergencies. In a time where trust in public health has fallen dramatically, these regulations, which undermine civil liberties and parental control, will do more harm to the effort of rebuilding that trust than improving public health.

For these reasons, I strongly believe the Department should withdraw these proposed regulations and start over the process of updating the areas of the current regulation that are necessary in a manner that respects civil liberties and parental control.

Sincerely,

A handwritten signature in black ink, appearing to read "Devlin J. Robinson".

Devlin Robinson
37th Senatorial District