

**Madison Brame**

From: Nicole Reigel <schiebeln@gmail.com>
Sent: Wednesday, August 26, 2026 1:35 PM
To: IRRC
Subject: DOH Ruling on Communicable & Non Communicable Diseases Reg # 10242 IRRC # 3490

CAUTION: **EXTERNAL SENDER** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I respectfully oppose regulation 10-242 and ask the independent regulatory review commission to reject the regulation in its current form. My concern is the substantial expansion of governmental authority contained in this proposal in the manner in which that authority is being established. The department's own regulatory analysis acknowledges that the proposed regulations are not mandated by federal law, a court order, or federal regulation. Instead, the department has chosen to align significant portions of the proposal with recommendations and guidance from organizations such as the CDC and AAPA. Recommendations from federal agencies or private medical organizations should not, by themselves, become binding requirements imposed upon Pennsylvania residents through administrative regulation. I am particularly concerned about the proposed expansion of §27.60, which would add "prevention, containment or mitigation" as purposes for which the Department may employ disease-control measures. This provision deserves especially close scrutiny because the Department itself acknowledges that the Pennsylvania Supreme Court's decision in *Corman v. Acting Secretary of the Pennsylvania Department of Health* found that the Department lacked authority under the existing regulation to impose a school-wide masking mandate. Rather than allowing the General Assembly to determine whether and to what extent such authority should exist, this proposal appears to respond to that judicial limitation by broadening the Department's regulatory authority. That is a serious separation-of-powers concern. The language of the proposed regulation should not create an open-ended grant of authority that could later be used to impose significant restrictions on Pennsylvanians' activities, schooling, employment, medical decisions, or freedom of movement without specific legislative authorization. The proposal also substantially expands mandatory reporting requirements. According to the Department's own analysis, the list of diseases, infections, and conditions reportable by health-care practitioners and facilities would increase from 52 to 125, while the laboratory reporting list would increase from 63 to 116. The proposal would also expand exclusion requirements affecting schools and child-care settings and impose additional reporting requirements concerning immunizations. These are not minor technical updates. They represent significant expansions of government requirements affecting health-care providers, families, children, schools, child-care providers, and private citizens. If the Commonwealth believes that these expanded powers and requirements are necessary, the General Assembly—not an administrative agency acting through regulation—should clearly establish those powers through legislation. Any resulting authority should contain specific definitions, limitations, due-process protections, and meaningful safeguards against overreach. I therefore respectfully request that IRRC carefully scrutinize Regulation 10-242 for whether the Department has exceeded the authority properly delegated to it, whether the proposed language contains adequate limitations and safeguards, and whether provisions with significant consequences for individual liberty and parental decision-making should instead be addressed directly by the elected legislature. Please reject Regulation 10-242 in its current form and require the Department to substantially narrow the proposed regulation or seek

explicit legislative authorization for any expansion of governmental authority beyond existing statutory authority.

Thank you for considering my comments.

Respectfully submitted,

Nicole S Reigel

Andreas, Schuylkill County, Pennsylvania