



Skagit County Public Health

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To our Skagit County health care provider partners,

As of April 1st, 2019 suspected opioid overdoses that occur in Skagit County must be reported to Skagit County Public Health under [Skagit County Ordinance #O20190001](#). This ordinance is enabled by [WAC 246-101-101](#) in which the Local Health Officer can require additional conditions to be notifiable within the Local Health Officer's jurisdiction. We have prepared the following information to educate providers on the upcoming changes.

Why is this an Ordinance?

In 2017, Skagit County Public Health estimates that there were [309 documented opioid overdoses](#) in Skagit County; 11 of these were fatal. In 2018, 16 individuals died from opioid overdose. Given the opioid crisis in Skagit County, the Local Health Officer and the Board of Health have deemed required reporting an important tool to identify the persons affected, reach out to them following an opioid overdose, offer referrals, and save lives. Similar policies exist in Clallam and Mason counties as a tool to identify patients who have survived an opioid overdose and prevent it from happening again.

To learn more about the opioid epidemic in Skagit County, see the [Skagit County Opioid Dashboard](#) and [infographic](#). To learn about other Public Health and community efforts regarding opioids, see the Skagit County Public Health's [opioid crisis page](#).

How does this impact you?

We expect the providers most impacted by this ordinance will be those working in Emergency Departments and EMS/Fire personnel. As such, we have been working directly with the three Skagit County hospitals (Skagit Valley, Island, and PeaceHealth United General) and EMS/Fire to set up a facility-wide system for reporting opioid overdoses to Public Health.

There is a chance that patients who overdose on opioids may report it to other providers who do not fall under these entities. A health care provider that sees a patient for a suspected opioid overdose, or learns from a patient that they overdosed on opioids, is required to report the overdose event. Providers subject to CFR 42 Part 2 are excepted from this rule and are *not* required to report opioid overdoses to Public Health unless a patient has signed a Release of Information (ROI). [See "What is the legal basis for this?" for more on CFR 42 Part 2.]

To report a suspected opioid overdose, use our confidential phone (360) 416-1542 or fax (360) 416-1515 to submit the following information:

- The provider and clinic name
- The patient's name
- Patient date of birth (DOB)
- Incident date of the overdose
- The medical record number for the incident

Public Health has developed a short reporting form for your convenience, included at the end of this FAQ.

Health care providers that respond to an acute opioid overdose event are asked to report the overdose within 72 hours of the event. Health care providers that are told of an overdose event by a patient after the incident occurred are asked to report the overdose within 72 hours of receiving the information.

To properly assess a reported case of opioid overdose, Skagit County Public Health may contact your clinic about the patient and request medical records pertinent to the opioid overdose. These are releasable under the ordinance and we will protect this information as we do with all other notifiable conditions (e.g. STDs, HIV, etc). [See "What is the legal basis for this?" below for the legal parameters around this information exchange.]

What will we do with this information?

Similar to the way we follow up on communicable diseases that are already notifiable statewide under [WAC 246-101-101](#), Skagit County Public Health will investigate incidents of opioid overdose. We plan to follow up with patients directly beginning this summer to offer referrals to services such as opioid use disorder treatment, naloxone kits, hepatitis C and HIV testing, hepatitis A and B vaccinations, and/or social services as needed. If you have recommendations on resources we could offer to patients, we invite your feedback.

As we centralize data collection in Public Health, we will be able to aggregate information together to better describe the opioid crisis in the County. We will share these aggregate, non-identifiable reports back to providers to show the bigger picture, raise awareness of the reality we are facing, make planning and funding decisions to address illuminated gaps, and evaluate programs/interventions to see if they are changing the situation.

Not only does security and confidentiality remain our utmost concern, it is our legal mandate. We will protect all provided information on opioid overdoses as we do with state-mandated notifiable conditions. We will not use any information to criminalize opioid overdose or report individual cases to law enforcement.

What is the legal basis for this?

State law: WAC 246-101-101 provides reporting requirements for certain diseases and conditions affecting public health and authorizes Local Health Officers to require additional conditions to be notifiable within the Local Health officer's jurisdiction.

To review the WAC, see the following link: <https://app.leg.wa.gov/wac/default.aspx?cite=246-101-101>

Local law: On December 11, Public Health presented to the Skagit County Board of Health and outlined the need for and components of the proposed ordinance. At that time, the Board of Health signed a resolution opening public comment and calling for a public hearing. The public comment period ran through January 7, 2019. On January 8, the Board of Health held the public hearing, reviewed all comments, and moved to pass the ordinance with an implementation date of April 1, 2019.

Ordinance 12.25, "An Ordinance Adopting a New Chapter to Provide for the Reporting of Health Care Incidents Caused by an Opioid Overdose" is available here:

<https://www.skagitcounty.net/Common/Documents/LFDocs/COMMISSIONERS2000010/00/00/43/00004333.pdf>

HIPAA: The U.S. Department of Health and Human Services recognized the importance of sharing personal health information (PHI) to accomplish essential public health objectives. Therefore, the Privacy Rule expressly permits PHI to be shared for specified public health purposes. For example, covered entities may disclose PHI, without individual authorization, to a public health authority legally authorized to collect or receive the information for the purpose of preventing or controlling disease, injury, or disability [45 CFR § 164.512(b)]. Further, the Privacy Rule permits covered entities to make disclosures that are required by other laws, including laws that require disclosures for public health purposes.

To read more about the HIPAA Privacy Rule and Public Health, see the CDC article available at:

<https://www.cdc.gov/mmwr/preview/mmwrhtml/m2e411a1.htm>

CFR 42 Part 2: Known as "Part 2", this regulation generally applies to treatment providers, health units, and facilities who provide specialty substance use disorder care. Part 2 generally does not apply to most other providers who see patients in general medical settings—even if that patient has a substance use disorder. "Regulations in [CFR 42 Part 2] would not apply, for example, to emergency room personnel who refer a patient to the intensive care unit for an apparent overdose, unless the primary function of such personnel is the provision of substance use disorder diagnosis, treatment, or referral for treatment and they are identified as providing such services or the emergency room has promoted itself to the community as a provider of such services."

To read more about disclosure of opioid overdose and 42 CFR 2, see Section 2.12 Subsection e here: <https://www.law.cornell.edu/cfr/text/42/2.12>

Providers who are subject to CFR 42 Part 2 must adhere to that law which requires a Release of Information (ROI) from the patient to be able to disclose any information on their condition, and there is no exception to this privacy rule for reporting to Public Health. Notably, these

overdoses likely will still reach Public Health through other reporters such as EMS or the Emergency Departments, who can disclose the event to Public Health under the HIPAA Privacy Rule provision.

There may be a situation where an opioid overdose is reported by EMS or an ED to Public Health and then follow up with the patient reveals that patient is in treatment with a CFR 42 Part 2 provider. At that point, Public Health may ask if the patient would sign an ROI to be able to discuss the situation with the treatment provider.

For questions about opioid overdose reporting, please contact:

Skagit County Public Health

360-416-1500 or communicabledisease@co.skagit.wa.us