

Adopted: 05/09/18  
Effective: 05/09/18

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 18-035

RELATING TO SHARING HIPAA PROTECTED INFORMATION IN RESPONSE TO  
THE OPIOID CRISIS; AND ADDING A NEW SECTION TO SCC 2.51A

WHEREAS, in April 2017, the United States Department of Health & Human Services (HHS) announced a new 5-point Opioid Strategy, with the five following priorities: (1) Improve access to prevention, treatment, and recovery support services; (2) Target the availability and distribution of overdose-reversing drugs; (3) Strengthen public health data reporting and collection; (4) Support cutting-edge research on addiction and pain; and (5) Advance the practice of pain management; and

WHEREAS, on November 20, 2017, Snohomish County partially activated its Comprehensive Emergency Management Plan (CEMP) and Emergency Coordination Center (ECC) to integrate agencies and organizations in Snohomish County to address the opioid crisis; and

WHEREAS, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides that a “covered entity may use or disclose protected health information (PHI) to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law” pursuant to 45 CFR Section 164.512(a); and

WHEREAS, on October 26, 2017, the Acting Secretary of the United States Department of Health & Human Services signed a determination that a public health emergency exists as a “result of the consequences of the opioid crisis affecting our nation” and said determination, which expires after 90 days unless renewed, has been renewed twice since that date; and

WHEREAS, the Snohomish County Council is committed to implementing the federal government’s five-point Opioid Strategy to the fullest extent possible; and

WHEREAS, Snohomish County requiring covered entities in possession of HIPAA protected information to share that information supports point #3 of the 5-point Opioid Strategy and will support Snohomish County’s ability to meet the remaining four points; and

WHEREAS, covered entities may provide PHI, including individually identifiable information, without the individual’s authorization to public health authorities, public officials, and law enforcement as permitted by 45CFR 164.512 (b), (f), and (j); and

1 WHEREAS, the Snohomish County Council has considered the recommendation  
2 from Snohomish County's Sheriff and County Executive and has determined there is a  
3 compelling interest for Snohomish County to take steps to implement the federal  
4 government's 5-point Opioid Strategy and determination of a public health emergency  
5 related to the opioid crisis.

6 NOW, THEREFORE, BE IT ORDAINED:

7 Section 1. A new section is added to Chapter 2.51A of the Snohomish County  
8 Code:

9 **2.51A.090 Release of Protected Health Information During Federally**  
10 **Determined Opioid Public Health Emergency.**

11 (1) The following Snohomish County entities may request covered entities  
12 provide protected health information related to the federally determined emergency  
13 concerning the opioid crisis:

14 (a) Snohomish County health authorities acting as authorized by law in  
15 response to the public health emergency;

16 (b) Snohomish County officials who are reasonably able to prevent or lessen  
17 the serious and imminent threat to public health; or

18 (c) Snohomish County law enforcement, when the circumstances of the  
19 emergency implicate law enforcement activities.

20 (2) Upon receiving a request pursuant to 2.51A.090 (1), the covered entity shall  
21 provide the requested information, including individually identifiable health information, in  
22 accordance with 45 CFR 164.512(b), (f), and (j). Covered entities include, but are not  
23 limited to, Snohomish County EMS Council, all public and private EMS and fire agencies  
24 operating in Snohomish County.

25 (3) On or before January 31 and on or before July 31, the Snohomish County  
26 Opioid Response Multi-Agency Coordination Group shall submit a written report to the  
27 Snohomish County Council that describes how the sharing of HIPAA protected  
28 information pursuant to this section has served to aid Snohomish County's response to  
29 the opioid crisis.

30 Section 2. A new section is added to Chapter 2.51A of the Snohomish County  
31 Code:

32 **2.51A.100 Sunset.**

33 Snohomish County Code Section 2.51A.090, adopted by this ordinance or as  
34 amended after the effective date of this ordinance, is repealed effective on November  
35 21, 2019 unless re-enacted prior to that or upon expiration and non-renewal of the  
36 federal determination.

