

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
Board of Health

Regulation Relating to Drug Overdose and Treatment Reporting Requirements

Approved February 13, 2020

WHEREAS, PDPH is empowered under Article V, Chapter 3 of the Philadelphia Home Rule Charter to institute and conduct programs of public health in all matters concerning public health, including the promulgation of regulations for the preservation and promotion of the health of the people of Philadelphia;

WHEREAS, PDPH is specifically authorized to promulgate regulations and to collect the information requested herein related to drug overdose and treatment reporting requirements for emergency departments by Section 6-215 of The Philadelphia Code.

Whereas, PDPH is a public health authority as defined by the Health Insurance Portability and Accountability Act (“HIPAA”), Standards for Privacy of Individually Identifiable Health Information; Final Rule (“Privacy Rule”).

WHEREAS, Pursuant to the Privacy Rule, covered entities may disclose, without individual authorization, protected health information to public health authorities “authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions.” 45 CFR §164.512(b).

WHEREAS, The information required by this regulation represents the minimum necessary to carry out the public health purposes of this activity pursuant to 45 CFR §164.514(d) of the Privacy Rule.

NOW, THEREFORE, the Board of Health hereby adopts this Regulation Relating to Drug Overdose Reporting Requirements, as follows:

Section 1. Method and Timing of the Reporting Required by Section 6-215(1)

1.1 Each emergency department that treats one or more persons for a drug overdose, or for symptoms of withdrawal as the result of drug use, within a given quarterly reporting period shall submit information required pursuant to this regulation and Section 6-215 of The Philadelphia Code (the “Report”) via secure transmission method and in a form approved by the Department.

1.2 Reports shall be submitted, at a minimum, on a quarterly basis by the fifteenth of the month following the close of each quarterly reporting period as follows:

Quarterly Reporting Period	Report Submitted By
January 1 – March 31	April 15
April 1 – June 30	July 15
July 1 – September 30	October 15
October 1 – December 31	January 15

Section 2. Aggregated and Narrative Data Required

The report required by Section 6-215(1) of The Philadelphia Code shall include the following information:

Section 2.1. Aggregated Data

The report required by Section 6-215(1) of The Philadelphia Code shall include, in addition to the narrative data required by Section 6-215(1)(b), the following aggregate counts broken down by month: patients seen for an overdose, patients seen for withdrawal symptoms, and with respect to either such category of patient, patients agreeing to begin treatment of substance use disorder, patients provided buprenorphine, patients referred to opioid agonist treatment, patients referred to non-agonist medication treatment, patients referred to non-medication based programs, patients with a visit scheduled for treatment of substance use disorder, patients admitted to the hospital, patients provided naloxone on discharge, and such other aggregated information (including, but not limited to, subfields of the foregoing data elements) related to the treatment and discharge of patients for a drug overdose or for symptoms of withdrawal as the result of drug use deemed appropriate by the Health Commissioner for the protection of public health in the City of Philadelphia.

Section 2.2. Narrative Data

As required by Section 6-215(1)(b) of The Philadelphia Code, each Report submitted by an emergency department shall include a narrative description of the patient educational materials and care coordination resources such emergency department routinely provides to persons treated for drug overdose or for symptoms of withdrawal.

Section 3. Confidentiality

All information collected pursuant to this regulation will be maintained in a manner consistent with the confidentiality standards applicable to the Department's maintenance of case records as set forth at 28 Pa. Code § 27.5a and will be used solely to conduct public health surveillance in order to guide interventions for persons experiencing an overdose, patients suffering from withdrawal symptoms as the result of drug use, and other persons suffering from a substance use disorder.

Section 4. Penalties

An emergency department that violates the provisions of this regulation shall be subject to the applicable penalties imposed by Section 6-103 of The Philadelphia Code.

Section 5. Effective Date

This Regulation shall be effective immediately, and Section 6-215 of The Philadelphia Code shall become effective sixty (60) days from the effective date of this Regulation.