



FEDERAL PRIVACY LAWS Fact Sheet

Legal Requirements and Tools for Sharing Data with Police Departments to Prevent and Respond to Opioid Overdoses

Background

Some police departments in Michigan participate in the Families Against Narcotics Comeback Quick Response Team (FAN COMEBACK QRT). The purpose of this initiative is to collaborate across the community to prevent and respond to opioid overdoses. Partners include police departments, substance use treatment providers, recovery services, peer support services and community support services.

Facts

When an overdose occurs, the police department leaves an informational card with the individual indicating that the FAN COMEBACK QRT will follow-up with support and resources. On a daily basis, the police department reports overdose information collected at the overdose location to the Overdose Tracking and Monitoring System. Prior to response, the police department sends relevant information (incident case number, name of individual, date of birth, address of incident location, address of residence, phone number and safety concerns) to all FAN COMEBACK QRT members and coordinates the visits. Teams comprised of the police department and peer recovery as well as others, as needed, respond to the overdose incident within 72 hours.

At the visit, the police department lets the individual know that they are not in trouble and offers assistance. If the individual responds positively, the police department introduces the Peer Recovery Coach and turns the rest of the visit over to them. The Peer Recovery Coach obtains a signed consent form and initiates a warm hand-off to the chosen facility. If the individual refuses treatment, then the police department leaves information and resources with the individual and offers Narcan training to the individual and family.

For information on why the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule and 42 CFR Part 2 that governs substance use disorder programs do not apply to police departments that provide information about an individual suspected of overdosing on narcotics to a quick response team, [read more](#).

As responsible data stewards, the Police Department and the Families Against Narcotics, Inc., a Michigan Nonprofit Corporation that educates young adults, students, school personnel, parents, law enforcement, judges, doctors, and other health care professionals about the dangers of prescription drug abuse and addiction, execute a Data Sharing, Use and Nondisclosure Agreement. This Agreement sets forth both parties' roles and responsibilities as well as the legal authority and is available [here](#).

SUPPORTERS



Robert Wood Johnson Foundation

This fact sheet was prepared by Denise Chrysler, JD, Director of the Network for Public Health Law and Sallie Milam, JD, Deputy Director of the Network for Public Health Law – Mid-States Region, located at the University of Michigan, School of Public Health. The Network for Public Health Law provides information and technical assistance on issues related to public health. This information should not be considered legal advice or representation.

This document is recent as of August 2020.