

## Overdose Fatality Review Teams: ODMAP National Map

May an overdose fatality review (OFR) team member with authorized access to the Overdose Detection Mapping Application Program's (ODMAP) National Map share ODMAP overdose spike and aggregate data trend information to provide additional context to the OFR team?

### Response

Yes. Using ODMAP in this fashion does not violate federal health information privacy laws. In addition, it is allowed under ODMAP's policies and procedures. For example, an ODMAP user participating on an OFR team can share—with respect to the general location of the fatal overdose under review—the number of overdose incidents reported to ODMAP in the days surrounding the fatal overdose and how this number compares to the typical number of overdose incidents in that area. The OFR team in Ocean County, New Jersey, uses ODMAP information in this manner.

Do note that only authorized users at ODMAP participating agencies granted access to the National Map by the agency administrator may view the National Map's informational dashboard. Accordingly, for ODMAP information to be used in any form by an OFR team, one or more OFR team members must have access to the National Map.

### PRACTICE TIP

For a discussion of the interaction between ODMAP and the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, please refer to the ODMAP: Emergency Medical Services Providers fact sheet.

### Additional Information

Federal health information privacy laws do not prevent OFR teams from using the overdose incident information in ODMAP. In terms of HIPAA's limitations on sharing protected health information, the fact sheet on ODMAP: Emergency Medical Services Providers explains the four ways in which a HIPAA-covered entity can conclude that it may report overdose incident information to ODMAP.

Likewise, the federal limitations on disclosure of substance use disorder patient records under 42 United States Code § 290dd-2 or 42 Code of Federal Regulations (CFR) Part 2 do not apply. Under those laws and regulations, the patient records subject to disclosure restrictions are "records which: (i) [w]ould identify a patient as having or having had a substance use disorder . . . ; and (2) [c]ontain drug abuse information obtained by a federally assisted drug abuse program after March 20, 1972 . . . for the purpose of treating a substance use disorder, making a diagnosis for that treatment, or making a referral for that treatment."<sup>1</sup> Overdose incident information reported to ODMAP does not fall under this provision.

Further, ODMAP's policies and procedures permit the use of ODMAP information as the scenario question describes. The Washington, D.C./Baltimore, Maryland, High Intensity Drug Trafficking Area (HIDTA) considers the information in ODMAP to be controlled unclassified information, which may only be released to authorized personnel. Recipients of ODMAP information must have a need and right to know the information in the performance of their criminal justice, public safety, and/or public health functions.<sup>2</sup> The mission and purpose of an OFR team falls within the public safety and public health functions served by ODMAP. Accordingly, Washington/Baltimore HIDTA deems the type of limited information sharing described above, even where OFR team members are not authorized ODMAP users, to be acceptable.

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### Definitions

**Agency administrator:** A person designated by a participating agency to be responsible for managing the agency's ODMAP use.

**National Map:** The data visualization area of ODMAP where overdose incident information is plotted on a nationwide electronic map. Not all ODMAP users can access the National Map.

**ODMAP:** The Overdose Detection Mapping Application Program (ODMAP) is a free, web-based, mobile-friendly software platform for the reporting and surveillance of suspected fatal and nonfatal overdoses. The goal of ODMAP is to provide near-real-time data to public safety and public health agencies, enabling them to mobilize responses to overdoses as quickly as practically possible. The Washington/Baltimore HIDTA launched ODMAP in 2017.

**Overdose incident:** A confirmed or suspected overdose—whether fatal or nonfatal—that is reported to ODMAP.

**Participating agency:** An agency registered with the Washington/Baltimore HIDTA to use ODMAP. Participation in ODMAP is available at no cost to federal, state, local, and tribal law enforcement, other licensed first responders, criminal justice personnel, emergency room and hospital personnel, and other public health entities serving the interests of public safety and public health.

### Endnotes

1. See 42 CFR § 2.12(a)(1).
2. Washington/Baltimore HIDTA, ODMAP Operating Policies and Procedures, September 2022, <http://www.odmap.org/Content/docs/training/general-info/ODMAP-Policies-and-Procedures.pdf>.