

## Despite public health emergency, OD deaths keep rising: Here are some solutions

By Robert Kent

In 2017, President Trump declared the opioid epidemic a national public health emergency (PHE), telling the nation that “we can be the generation that ends the opioid epidemic.”

Since then, the numbers of overdose deaths have rapidly increased and the drugs continue to be even more lethal. Your audience might know that the Biden administration has continued that PHE. Thus, there is current legal authority in place that will allow action to be taken at the federal level, especially in the absence of state-level focus and urgency.

At the federal level, my recommendations for action include the following:

Continue the telephonic prescribing of buprenorphine until we are out of the overdose crisis!

The [Drug Enforcement Administration] DEA should cease trying to recreate the X-waiver through their new registry effort!

The DEA should start collecting and reporting on whether the diversion of methadone and buprenorphine involves prescriptions for treating pain or for treating opioid use disorder! When that happens, we can make policy based on the facts and not on opinion and hysteria!

Substance Abuse and Mental Health Services Administration funding (state opioid response and block grants) provided to the states should require that all forms of naloxone be made available and that such funding should prioritize addiction workforce recruitment and retention efforts!

The Department of Justice should settle the litigation related to overdose prevention centers! Just like with the approach with marijuana, we should allow state and local governments to decide whether these facilities are best for their community!

Enforce the Americans with Disabilities Act to prevent state and local governments’ efforts to restrict access to syringe service programs!

Punish social media companies for their complete negligence in failing to prevent access to fentanyl-laced pills on their platforms!

While the federal government should take action, I also recommend that states declare overdose PHEs and consider the following actions:

Waive procurement rules so that opioid settlement funds can be spent quickly!

Prioritize settlement fund spending towards harm reduction and recovery services and supports!

Require hospitals to provide detox services!

Require hospitals to initiate buprenorphine treatment!

Require all state and local correctional facilities to provide addiction treatment, especially medications for opioid use disorders!

Appoint a ‘Special Advisor for Overdose’ who answers directly to state governors to coordinate this work!

Create rules that make integrated mental health and addiction care a reality!

Waive regulations, especially related to staffing requirements, to provide safe care in a difficult workforce environment!

Allow recovery community organizations to bill public and private insurance for peer services!

Waive insurance co-pays and develop insurance rules that promote access to treatment!

Authorize overdose prevention centers as pilot programs to be studied for their impact and efficacy!

We need to treat the overdose crisis like the emergency it is, and we desperately need to take action — too many more lives are at risk!

*Rob Kent is president of Kent Strategic Advisors, LLC. He was formerly general counsel for the federal Office of National Drug Control Policy and prior to that general counsel for the New York State Office of Addiction Services and Supports. He can be reached at (518) 669-8596 or [RobKent@kentstrategicadvisors.com](mailto:RobKent@kentstrategicadvisors.com). For more information, go to [www.Kentstrategicadvisors.com](http://www.Kentstrategicadvisors.com).*

**“Waive regulations....Waive insurance co-pays....Authorize overdose prevention centers!”**

Rob Kent