

1 [Request City Attorney's Office to Research Statutes Pertaining to Homeless Death Count]

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3 **Resolution urging the City Attorney to explore feasible means to access death records.**

4 WHEREAS, Since 1987 the San Francisco homeless advocacy and faith community
5 have kept count of the individuals who died homeless in San Francisco each year; and,

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7 WHEREAS, The availability of the names of our sisters and brothers who died
8 homeless has enabled homeless people and advocacy groups to conduct memorial services,
9 which honored the life and dignity of each person by name; and,

10 WHEREAS, Counting homeless deaths has never been a precise science, because
11 there is no way to track whether individuals who died in the hospital or nursing home had
12 been formerly homeless and the homeless death count has never reflected the accurate
13 number of homeless deaths; and,

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15 WHEREAS, Beginning in 1992, the Department of Public Health worked with the
16 Medical Examiner (M.E.) and with the faith community and homeless advocates to review the
17 Medical Examiner's records to ascertain how many individuals had died without a fixed
18 address in an attempt to get a more realistic count of homeless deaths; and,

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20 WHEREAS, The Medical Examiner's records were used because deaths reportable to
21 the Medical Examiner-Coroner are only those deaths covered under CA Government Code
22 Section 27491 (which includes unclaimed deaths) and amounts to approximately 30% of the
23 total 10,000 deaths in San Francisco each year; and,

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25 WHEREAS, State law defines the information collected on the death certificate, and
this does not include a classification box that would allow the designation of homeless; and

1 WHEREAS, To determine last none address through the records in Vital Statistics of
2 the Department of Public Health all 10,000 death certificates would need to be manually read
3 to determine place of death; and

4 WHEREAS, Two laws have gone into effect that greatly restrict access to health
5 related records, the first is the federal Health Insurance Portability and Accountability Act
6 (HIPAA) of 1996 which governs rules and regulations pertaining to patient confidentiality; and
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8 WHEREAS, Senator Jackie Speier sponsored SB 247 passed in 2002 which controls
9 the release of and access to birth and death records and is intended to reduce identity theft;
10 and,

11 WHEREAS, The Department of Public Health is no longer allowed to release the
12 names of decedents because of the above confidentiality statutes unless the deceased is
13 known by the requester by name and in this case, the State requires a \$13 fee be paid for
14 each record search by name; and,

15 WHEREAS, The Department of Public Health and the Medical Examiner both agree
16 that it is a humane practice to annually remember those homeless by name who died each
17 year; and,

18 WHEREAS, Homeless people and advocates compiled as thorough a list of
19 homeless deaths as possible for each year from 2001 through 2004, but without the help of
20 the Department of Public Health or the Medical Examiner,
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22 WHEREAS, Homeless advocates and the faith community would like to determine a
23 means to access the records within the Medical Examiner's Office and the Department of
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1 Public Health so that a more complete homeless death count could be conducted annually;
2 now, therefore, be it

3 RESOLVED, That the Board of Supervisors agrees that a homeless death count is a
4 worthwhile and humane activity and instructs the City Attorney's Office to investigate State
5 and federal statutes to determine any feasible means that advocates and the faith community
6 would be legally able to access death records so that an annual accounting of homeless
7 people may be made available to the public.
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 050073

Date Passed:

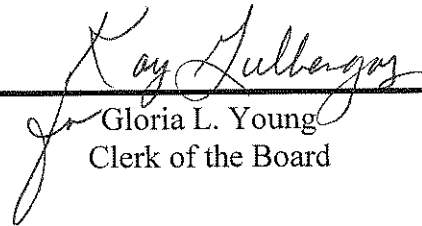
Resolution urging the City Attorney to explore feasible means to access death records.

January 25, 2005 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050073

I hereby certify that the foregoing Resolution was ADOPTED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Date: February 4, 2005

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

File No.
050073