

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

2
3 **Resolution urging the City Attorney to explore feasible means to access death records.**

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

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,

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

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

22 WHEREAS, State law defines the information collected on the death certificate, and
23 this does not include a classification box that would allow the designation of homeless; and
24
25

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

7 WHEREAS, Senator Jackie Speier sponsored SB 247 passed in 2002 which controls
8 the release of and access to birth and death records and is intended to reduce identity theft;
9 and,

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

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

17 WHEREAS, Homeless people and advocates compiled as thorough a list of
18 homeless deaths as possible for each year from 2001 through 2004, but without the help of
19 the Department of Public Health or the Medical Examiner,

20 WHEREAS, Homeless advocates and the faith community would like to determine a
21 means to access the records within the Medical Examiner's Office and the Department of
22 Public Health so that a more complete homeless death count could be conducted annually;
23 now, therefore, be it
24

25

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25