

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
Board of Health

Regulation Relating to Homicide Death Review

Approved October 10, 2019

WHEREAS, Section 5-301(b) of the Philadelphia Home Rule Charter authorizes the Board of Health to issue Department of Public Health regulations for the preservation and promotion of the health of the people of Philadelphia;

WHEREAS, Section 6-202(4) of The Philadelphia Code provides for reporting to the Department of Public Health of information and reports pursuant to regulations adopted by the Board of Health to aid in the formulation and review of municipal programs for the promotion of the health of the public;

WHEREAS, Section 6-202(2) of The Philadelphia Code provides that any physician or osteopath who treats any person for an injury resulting from a gunshot wound or weapon related injury, or attends a death resulting from a gunshot wound or weapon related injury, shall forthwith report the occurrence of such injury or death to the Department of Public Health in writing or in such form and manner as the Board may by regulation prescribe;

WHEREAS, homicide is the top cause of mortality for black males in Philadelphia between the ages 15 and 34, and is responsible for 59% of all deaths in this demographic, with rising rates in the past several years;

WHEREAS, the Department of Public Health has identified the need for a multi-disciplinary homicide death review team that will conduct investigations in order to examine in detail the circumstances surrounding homicide deaths, for the purpose of identifying risk factors and missed opportunities for prevention;

WHEREAS, the conclusions and nonbinding recommendations of the homicide death review team will inform public health, social service, and other programs, policies, and interventions intended to reduce homicide deaths in the City of Philadelphia; and

WHEREAS, the homicide death review team will require access to sensitive health and social services encounter information that may be protected by the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936) (“HIPAA”) and other confidentiality laws and regulations;

NOW, THEREFORE, the Board of Health hereby adopts this Regulation Relating to Homicide Death Review, as follows:

Section 1. Definitions

Case Review Subject. A decedent, the manner or primary or secondary cause of whose death, or a contribution in whose death, is homicide, or assault by firearm, selected by the HDR Staff Team for investigation by the HDR Team.

HDR Team. The Homicide Death Review Team established under Section 2.

HDR Staff Team. The Homicide Death Review Staff Team described in Section 3.

PDPH. The Philadelphia Department of Public Health.

Protected Health Information. As defined in 45 C.F.R. 160.103.

Public Health Authority. As defined in 45 C.F.R. 164.501.

Section 2. Establishment of the Homicide Death Review Team

The Homicide Death Review Team is hereby established as an initiative of PDPH. The HDR Team shall be composed of representatives from governmental and non-governmental health and social service providers and criminal justice-related organizations designated by the Health Commissioner, and shall serve at the pleasure of the Health Commissioner.

The HDR Team will have the responsibility of investigating the deaths of Case Review Subjects, including the circumstances of these deaths and evaluating the health care and social services provided to these individuals prior to their deaths, as well as their involvement with the criminal justice system, in order to identify opportunities and risks related to public health and other programs and policies and ultimately to prevent homicide deaths in the City of Philadelphia.

Section 3. Operation of the Homicide Death Review Staff Team

To facilitate the work of the HDR Team, PDPH shall operate a staff team comprised of PDPH employees responsible for selecting Case Review Subjects; collecting information pertaining to the Case Review Subjects from governmental and non-governmental health providers; social service providers; and criminal justice-related organizations; and

removing personal identifiers to prepare case studies (“HDR Staff Team”) for review by the HDR Team.

The Health Commissioner may elect to grant authority to another City agency to act as a Public Health Authority with respect to collecting and maintaining Protected Health Information and operating the HDR Staff Team in accordance with this Regulation. The grant of authority will be documented by agreement or other memorandum of understanding and will be stored at the Health Department and other City agency in accordance with City record retention policies.

Section 4. Obtaining Information about Case Review Subjects

The HDR Staff Team shall select approximately six (6) Case Review Subjects per quarter for investigation, or a different number as determined by the HDR Staff Team in accordance with capacity, and shall collect from appropriate agencies or other organizations information relating to each such organization’s past provision of services to or involvement with any Case Review Subject to the extent permitted or required by applicable law.

In the case of hospitals and other health care providers that have treated a Case Review Subject, the Health Commissioner shall issue a written request specifying the minimum information necessary to carry out the public health purposes of this regulation. Such request is anticipated to include the following data elements: 1) interactions with the hospital’s emergency department and inpatient facilities for purposes related to homicide and/or firearm injuries, including facility name, dates of service, reasons for visit, procedures performed, treatment provided, medical notes, diagnoses, and discharge plans; 2) the Case Review Subject’s enrollment, if any, in hospital anti-violence or violence prevention initiatives; and 3) for non-hospital providers, dates of service, reason for visit, procedures performed, treatment provided, medical notes, and diagnoses.

Section 5. Preparing Case Studies for HDR Team Review

The HDR Staff Team shall compile information received by PDPH pursuant to this regulation, remove personally identifiable information, and prepare case studies for HDR Team review. The HDR Staff Team shall develop a methodology for preparing case studies in a manner that ensures that no identifiable information, re-identification key, or other information is disclosed that might be used to identify a Case Review Subject.

Section 6. Privacy and Security

All records, including information collected pursuant to this Regulation, case studies prepared by the HDR Staff Team, and proceedings and deliberations of the HDR Staff Team and HDR Team, shall be confidential to the extent permitted or required by applicable law. All HDR Team members and HDR Staff Team members shall properly maintain such records as confidential and shall not disclose such records to any individual or entity outside the HDR

Team and HDR Staff Team without the written consent or direction of the Health Commissioner, unless advised by the Department that disclosure is required by applicable law. HDR Team members shall sign a confidentiality agreement prior to participating in any meetings of the HDR Team.