



**Regulation Relating to Data Collection About Firearm Injury Survivors in Violence Prevention and Intervention Programs**

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

**WHEREAS**, Section 6-202(2) of The Philadelphia Code provides that any physician 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; and

**WHEREAS**, Section 6-202(4) of The Philadelphia Code mandates reporting to the Department such information and reports as may be required by 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; and

**WHEREAS**, penetrating firearm injury is a condition that afflicts thousands of Philadelphians each year and is a condition that can inflict permanent physical and psychological harm; and

**WHEREAS**, there are many Philadelphia residents who, in addition to receiving treatment by physicians for penetrating injuries from firearms, also receive violence prevention and intervention services from hospital-based violence intervention programs, victim services agencies, and community-based violence prevention organizations; and

**WHEREAS**, the Department recognizes that public health research demonstrates that the circumstances that contribute to interpersonal violence, including gun violence, put firearm injury survivors at high risk of re-injury; and

**WHEREAS**, the Injury Prevention Program of the Division of Chronic Disease and Injury Prevention of the Department practices and supports an evidence-based approach to firearm violence reduction; and

**WHEREAS**, receipt of identifiable information on affected victims will allow the Department to better understand the impact of engaging firearm injury victims with violence prevention and intervention services while hospitalized; and

**WHEREAS**, receipt of identifiable information on firearm injuries will allow the Department to improve public health interventions, including services to link firearm injury victims with violence prevention programs and other medical and social services; and

**WHEREAS**, the Department recognizes that the provision of violence prevention and intervention services to firearm injury victims is a crucial public health service that may lead to reduced risk of reinjury to firearm injury victims and may prevent retaliation and further cycles of violence; and

**WHEREAS**, the Department has identified violence prevention and intervention service providers operating in Philadelphia, including hospital-based violence intervention programs, victim services agencies, and community-based violence prevention organizations, that currently collect information about the firearm injury victims who receive their services; and

**WHEREAS**, the Department has determined that collecting data from violence prevention and intervention service providers that enroll firearm injury victims as participants in their programs will aid in the formulation and review of municipal programs for the promotion of public health; and

**WHEREAS**, the Department of Public Health 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 Regarding Data Collection About Firearm Injury Survivors in Violence Prevention and Intervention Programs, as follows:

## **Section 1. Definitions**

The capitalized terms in this regulation shall have the following meanings:

*Data.* Information about a Participant collected by a Provider. The following information is the minimum information necessary to carry out the public health purposes of this regulation: (1) Name; (2) Date of Birth; (3) Date Participant enrolled in the program; (4) Date Participant provided program services; (5) Description of type of services provided (excluding any information concerning mental health and substance use treatment history collected by the Provider); and (6) Date Participant exited the Provider’s program.

*Department.* The Department of Public Health.

*Division.* Division of Chronic Disease & Injury Prevention of the Philadelphia Department of Public Health.

*Participant.* A firearm injury victim enrolled in a violence prevention or intervention service program offered by a Provider.

*Provider.* Violence prevention or intervention service provider operating in Philadelphia including, but not limited to, hospital-based violence intervention programs (HVIP), victim services agencies, and community-based violence prevention and intervention

organizations that enroll firearm injury victims in violence prevention and intervention service programs.

## **Section 2. Statement of Purpose**

Pursuant to this regulation, the Department is authorized to request and receive Data from Providers to facilitate the Department's review of Participants' interaction with programs offered by Providers. Division staff will analyze the Data transferred from Providers and City agencies to the Department to identify opportunities and risks related to public health with the goal of preventing firearm injuries and death in the City of Philadelphia. The Department will use the Data to help in the formulation and review of municipal programs for the reduction of gun violence in the City of Philadelphia.

## **Section 3. Data Collection by the Department**

In the case of Providers that have treated Participants, the Health Commissioner shall issue a written request specifying Data that is the minimum information necessary from Providers to carry out the public health purposes of this regulation. Such request will include the following data elements: (1) Name; (2) Date of Birth; (3) Date Participant enrolled in the program; (4) Date Participant provided program services; (5) Description of type of services provided (excluding any information concerning mental health and substance use treatment history collected by the Provider); and (6) Date Participant exited the Provider's program.

## **Section 4. Privacy and Security**

Data collected pursuant to this Regulation shall be confidentially held by the Department in accordance with applicable laws and regulations.

Any Data obtained under this Regulation shall be stored and maintained by the Division in a manner consistent with the confidentiality standards of 28 Pa. Code § 27.5a. The Department shall use appropriate safeguards to prevent unauthorized use or disclosure, including limiting access to Data to Division staff who have signed a confidentiality agreement.

All information collected pursuant to this Regulation shall be treated as confidential to the extent permitted or required by applicable law. All Division staff shall maintain the confidentiality of such records and shall not disclose such records to any individual or entity outside the Department without the written consent or direction of either the Health Commissioner or the City of Philadelphia Law Department.