

Assembly Bill No. 210

CHAPTER 544

An act to add Chapter 18 (commencing with Section 18999.8) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor October 7, 2017. Filed with
Secretary of State October 7, 2017.]

legislative counsel's digest

AB 210, Santiago. Homeless multidisciplinary personnel team.

Existing law authorizes counties to establish a child abuse multidisciplinary personnel team, as defined, to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making detention determinations, as specified.

This bill would authorize counties to also establish a homeless adult and family multidisciplinary personnel team, as defined, with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information, as specified, for the purpose of coordinating housing and supportive services to ensure continuity of care. The bill would require the sharing of information permitted under these provisions to be governed by protocols developed in each county, as specified, and would require each county to provide a copy of its protocols to the State Department of Social Services.

This bill would authorize the homeless adult and family multidisciplinary personnel team to designate qualified persons to be a member of the team for a particular case and would require every member who receives information or records regarding adults and families in his or her capacity as a member of the team to be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The bill would also require the information or records to be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

The people of the State of California do enact as follows:

SECTION 1. Chapter 18 (commencing with Section 18999.8) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

Chapter 18. Homeless Multidisciplinary Personnel Team

18999.8. (a) Notwithstanding any other law, a county may establish a homeless adult and family multidisciplinary personnel team with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care.

(b) For the purposes of this section, the following terms have the following meanings:

(1) “Homeless” means any recorded instance of an adult or family self-identifying as homeless within the most recent 12 months, or any element contained in service utilization records indicating that an adult or family experienced homelessness within the most recent 12 months.

(2) “Homeless adult and family multidisciplinary personnel team” means any team of two or more persons who are trained in the identification and treatment of homeless adults and families, and who are qualified to provide a broad range of services related to homelessness. The team may include, but shall not be limited to, the following:

(A) Mental health and substance abuse services personnel and practitioners or other trained counseling personnel.

(B) Police officers, probation officers, or other law enforcement agents.

(C) Legal counsel for the adult or family representing them in a criminal matter.

(D) Medical personnel with sufficient training to provide health services.

(E) Social services workers with experience or training in the provision of services to homeless adults or families or funding and eligibility for services.

(F) Veterans services providers and counselors.

(G) Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.

(H) Any public or private school teacher, administrative officer, or certified pupil personnel employee.

(I) Housing or homeless services provider agencies and designated personnel.

(3) “Homeless services provider agency” means any governmental or other agency that has as one of its purposes the identification, assessment, and linkage of housing or supportive services to homeless adults or families. The homeless services provider agencies serving adults or families that may share information under this section include, but are not limited to, the following entities or service agencies:

(A) Social services.

(B) Health services.

(C) Mental health services.

(D) Substance abuse services.

(E) Probation.

(F) Law enforcement.

(G) Legal counsel for the adult or family representing them in a criminal matter.

(H) Veterans services and counseling.

(I) Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.

(J) Schools.

(K) Homeless services.

(L) Housing.

(c) (1) Members of a homeless adult and family multidisciplinary personnel team engaged in the identification, assessment, and linkage of housing and supportive services to homeless adults or families may disclose to, and exchange with, one another information and writings that relate to any information that may be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of homelessness or the provision of services. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential and, notwithstanding any other law, testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically and electronically if there is adequate verification of the identity of the homeless adult and family multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the homeless adult and family multidisciplinary personnel team, and those qualified to receive information as set forth in subdivision (d).

(4) Representatives of domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code, shall obtain an individual's informed consent, in accordance with all applicable state and federal confidentiality laws, before disclosing confidential information about that individual to another team member as specified in this section.

(d) The homeless adult and family multidisciplinary personnel team may designate persons qualified pursuant to paragraph (2) of subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (f).

(e) (1) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the homeless adult and family multidisciplinary personnel team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and

to persons in those agencies who participate in the homeless adult and family multidisciplinary personnel team, and shall be posted on the county's Internet Web site on the homepage of the county's office of homelessness, social services department, or human services agency within 30 days of adoption. Each county shall provide a copy of its protocols to the State Department of Social Services. This subdivision shall not be construed to require the department to review or approve any homeless multidisciplinary personnel team county protocols that it receives.

(2) A protocol developed in a county pursuant to paragraph (1) shall include, but not be limited to, all of the following:

(A) The items of information or data elements that will be shared.

(B) The participating agencies.

(C) A description of how the information shared pursuant to this section will be used by the homeless adult and family multidisciplinary personnel team only for the intended purposes specified in subdivision (a).

(D) The information retention schedule that participating agencies shall follow.

(E) A requirement that no confidential information or writings be disclosed to persons who are not members of the homeless adult and family multidisciplinary personnel team, except to the extent required or permitted under applicable law.

(F) A requirement that participating agencies develop uniform written policies and procedures that include security and privacy awareness training for employees who will have access to information pursuant to this protocol.

(G) A requirement that all persons who have access to information shared by participating agencies sign a confidentiality statement that includes, at a minimum, general use, security safeguards, acceptable use, and enforcement policies.

(H) A requirement that participating agencies employ security controls that meet applicable federal and state standards, including reasonable administrative, technical, and physical safeguards to ensure data confidentiality, integrity, and availability and to prevent unauthorized or inappropriate access, use, or disclosure.

(I) A requirement that participating agencies take reasonable steps to ensure information is complete, accurate, and up to date to the extent necessary for the agency's intended purposes and that the information has not been altered or destroyed in an unauthorized manner.

(f) Every member of the homeless adult and family multidisciplinary personnel team who receives information or records regarding adults and families in his or her capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by all providers and agencies shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law protections. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.

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State of California

WELFARE AND INSTITUTIONS CODE

Section 18999.8

18999.8. (a) (1) Notwithstanding any other law, a county may establish a homeless adult and family multidisciplinary personnel team with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care.

(2) If a city within a county that has established a homeless adult and family multidisciplinary personnel team pursuant to this chapter requests to participate in that team, the county shall allow for the participation of appropriate city personnel, as determined by the county, unless the county determines that participation by the city would hinder compliance with the requirements and obligations set forth in this chapter or otherwise conflict with the county's goals and objectives.

(b) For the purposes of this section, the following terms have the following meanings:

(1) "Homeless" means any recorded instance of an adult or family self-identifying as homeless within the most recent 12 months, or any element contained in service utilization records indicating that an adult or family experienced homelessness within the most recent 12 months.

(2) "Homeless adult and family multidisciplinary personnel team" means any team of two or more persons who are trained in the identification and treatment of homeless adults and families, and who are qualified to provide a broad range of services related to homelessness. The team may include, but shall not be limited to, all of the following:

(A) Mental health and substance abuse services personnel and practitioners or other trained counseling personnel.

(B) Police officers, probation officers, or other law enforcement agents.

(C) Legal counsel for the adult or family representing them in a criminal matter.

(D) Medical personnel with sufficient training to provide health services.

(E) Social services workers with experience or training in the provision of services to homeless adults or families or funding and eligibility for services.

(F) Veterans services providers and counselors.

(G) Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.

(H) Any public or private school teacher, administrative officer, or certified pupil personnel employee.

(I) Housing or homeless services provider agencies and designated personnel.

(3) "Homeless services provider agency" means any governmental or other agency that has as one of its purposes the identification, assessment, and linkage of housing or supportive services to homeless adults or families. The homeless services provider agencies serving adults or families that may share information under this section include, but are not limited to, all of the following entities or service agencies:

- (A) Social services.
- (B) Health services.
- (C) Mental health services.
- (D) Substance abuse services.
- (E) Probation.
- (F) Law enforcement.
- (G) Legal counsel for the adult or family representing them in a criminal matter.
- (H) Veterans services and counseling.
- (I) Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.
- (J) Schools.
- (K) Homeless services.
- (L) Housing.

(c) (1) Members of a homeless adult and family multidisciplinary personnel team engaged in the identification, assessment, and linkage of housing and supportive services to homeless adults or families may disclose to, and exchange with, one another information and writings that relate to any information that may be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of homelessness or the provision of services. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential and, notwithstanding any other law, testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically and electronically if there is adequate verification of the identity of the homeless adult and family multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the homeless adult and family multidisciplinary personnel team, and those qualified to receive information as set forth in subdivision (d).

(4) Representatives of domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code, shall obtain an individual's informed consent, in accordance with all applicable state and federal confidentiality laws, before disclosing confidential information about that individual to another team member as specified in this section.

(d) The homeless adult and family multidisciplinary personnel team may designate persons qualified pursuant to paragraph (2) of subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this

subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (f).

(e) (1) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the homeless adult and family multidisciplinary personnel team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the homeless adult and family multidisciplinary personnel team, and shall be posted on the county's Internet Web site on the homepage of the office of homelessness, social services department, or human services agency within 30 days of adoption. Each county shall provide a copy of its protocols to the State Department of Social Services. This subdivision shall not be construed to require the department to review or approve any homeless multidisciplinary personnel team county protocols that it receives.

(2) A protocol developed in a county pursuant to paragraph (1) shall include, but not be limited to, all of the following:

(A) The items of information or data elements that will be shared.

(B) The participating agencies.

(C) A description of how the information shared pursuant to this section will be used by the homeless adult and family multidisciplinary personnel team only for the intended purposes specified in subdivision (a).

(D) The information retention schedule that participating agencies shall follow.

(E) A requirement that no confidential information or writings be disclosed to persons who are not members of the homeless adult and family multidisciplinary personnel team, except to the extent required or permitted under applicable law.

(F) A requirement that participating agencies develop uniform written policies and procedures that include security and privacy awareness training for employees who will have access to information pursuant to this protocol.

(G) A requirement that all persons who have access to information shared by participating agencies sign a confidentiality statement that includes, at a minimum, general use, security safeguards, acceptable use, and enforcement policies.

(H) A requirement that participating agencies employ security controls that meet applicable federal and state standards, including reasonable administrative, technical, and physical safeguards to ensure data confidentiality, integrity, and availability and to prevent unauthorized or inappropriate access, use, or disclosure.

(I) A requirement that participating agencies take reasonable steps to ensure information is complete, accurate, and up to date to the extent necessary for the agency's intended purposes and that the information has not been altered or destroyed in an unauthorized manner.

(f) Every member of the homeless adult and family multidisciplinary personnel team who receives information or records regarding adults and families in his or her capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be

maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by all providers and agencies shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law protections. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.

(Amended by Stats. 2018, Ch. 786, Sec. 1. (SB 1012) Effective January 1, 2019.)