



## **AB-210 HOMELESS MULTI-DISCIPLINARY PERSONNEL TEAM PROTOCOL**

<b>Protocol Title:</b> Mendocino County Homeless Adult and Family Multi-Disciplinary Personnel Team	<b>Protocol Number:</b> 101
<b>Program:</b> Advocacy and Collaboration Team	<b>Effective Date:</b> March 2, 2020

### **Mendocino County Protocol Governing Information Sharing by Homeless Adult and Family Multidisciplinary Personnel Teams Convened Pursuant to Welfare and Institutions Code Section 18999.8**

In passing Assembly Bill 210 (which became effective on January 1, 2018), the State Legislature recognized that the exchange of otherwise confidential information within multidisciplinary personnel teams is critically important to facilitating the expedited identification, assessment, and linkage of homeless adults and families to housing and supportive services within the County. With the implementation of AB 210, homeless adult and family multidisciplinary personnel teams will be able to share such information to coordinate services and ensure continuity of care.

The County and each of the agencies participating in this protocol are committed to preserving and maintaining the confidentiality of the information to be exchanged under this protocol by limiting the disclosure of such information to that which has been determined to be generally relevant to the identification, assessment, and linkage of homeless individuals and families to housing and supportive services; by preventing unauthorized access to or disclosure of such information; and by ensuring safeguards are in place to protect the confidentiality and security of such information.

#### **1.0 Purpose of this Protocol**

This protocol is drafted and implemented in accordance with Welfare and Institutions Code (WIC) section 18999.8 and is specifically intended to apply to the sharing of confidential information by the homeless adult and family multidisciplinary personnel teams established pursuant to that section. The sharing of confidential information pursuant to this protocol is intended to facilitate

the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within the County and to allow provider agencies to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care. This protocol is also intended to ensure that confidential information gathered by the team is not disclosed in violation of State or federal law. This protocol serves as, and includes, policies and procedures for security and privacy training for employees who will have access to information that is pursuant to this protocol.

## 2.0 Definitions

Unless otherwise indicated, the terms used in this protocol shall have the same meaning as in Welfare and Institutions Code section 18999.8.

## 3.0 Participating Agencies

- 3.1 Mendocino County Departments, and their contracted agency providers, law enforcement, other governmental agency partners, and any other agency/organization that has, as one of its purposes, the identification, assessment, and linkage of homeless individuals to housing and supportive services to homeless adults or families within the County, may become "Participating Agencies" subject to this protocol. All Participating Agencies must be approved for participation by the Health and Human Services Agency (HHS) Director or designee.
- 3.2 Agencies will sign a Participating Agency Agreement (Agreement) to certify their participation and commitment to abide by all requirements in the Agreement.
- 3.3 All Participating Agency personnel must receive an AB 210 orientation/training from HHS staff as a requirement of approval for a new member.
- 3.4 All Participating County Departments will receive notice if a Participating County Department elects to cease participation or when an additional County Department becomes a Participating Agency.

## 4.0 Establishment and Formation of the Multidisciplinary Personnel Teams

- 4.1 Personnel of any Participating Agency who meet the criteria set forth in WIC 18999.8(b)(2) shall be eligible to participate as members of a homeless adult and family multidisciplinary team. The multidisciplinary personnel team may include any or all of those categories of persons listed in WIC section 18999.8(b)(2) and in Attachment B.
- 4.2 AB 210 MDTs are comprised of two or more team members. Teams may exist on an ongoing basis (Ongoing AB 210 MDTs) or be formed in order to serve a particular client or clients (Client-specific MDTs).

- 4.3 Ongoing AB 210 MDTs may consist of personnel who are eligible to participate in AB 210 MDTs who work together on an ongoing basis and need to regularly share information in order to effectively serve their clients. For example, outreach teams may form ongoing AB 210 MDTs.
- 4.4 Ongoing AB 210 MDTs may also be engaged in broader data sharing efforts, such as generating a list of high utilizers of County services in order to prioritize serving such individuals and/or families, or aggregating data to track progress of County efforts to serve homeless individuals and families.

## 5.0 Information/Data Items that May be Disclosed and Exchanged among Members of the Homeless Adult and Family Multidisciplinary Personnel Team

- 5.1 The members of the homeless adult and family multidisciplinary personnel team may disclose to and exchange with one another information that may be designated as confidential under State law, if the members of the homeless adult and family multidisciplinary personnel team possessing that information reasonably believe it is generally relevant to the identification, assessment, and linkage of homeless adults and families to housing and supportive services, and provided that no information may be shared in a manner prohibited by federal law or regulations.
  - 5.1.1 "Relevant" information shall include any information that has any tendency to assist a homeless adult and family multidisciplinary personnel team to identify, assess, and link homeless adults and families to housing and supportive services. Examples of relevant information that would be deemed shareable by and between MDTs include, but are not limited to, those items of information listed on Attachment A.
  - 5.1.2 Representatives of domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code, shall obtain a domestic violence victim's informed consent, in accordance with all applicable state and federal confidentiality laws, before disclosing information regarding a domestic violence victim or the victim's family.
  - 5.1.3 Unless there is written authorization, in accordance with all applicable laws, by the patient, information provided by Department of Public Health and its contractors concerning substance abuse treatment shall be limited to indicating that there is no record of a particular individual in the Substance Abuse Prevention and Control (SAPC) records.
- 5.2 Participating Agencies shall 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.

- 5.3** No confidential information or writings shall 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.
- 5.4** Information and writings shared pursuant to this protocol are confidential. Testimony concerning the information and writings shared pursuant to this protocol is not admissible in any criminal, civil, or juvenile court proceeding. Further, information and writings shared pursuant to this protocol shall be protected from discovery and disclosure by all applicable statutory and common law protections. In addition, law enforcement shall not use any information obtained via AB 210 for purposes other than to identify, assist, and link homeless individuals and families with housing and supportive services.
- 5.5** AB 210 does not supersede any federally mandated restrictions on information sharing. All personnel participating in MDTs must be familiar with the laws affecting their ability to share information under AB 210 and must comply with the letter and intent of these laws.
- 5.6** Because AB 210 does not supersede Federal laws, the Health Insurance Portability and Accountability Act (HIPAA) still governs the disclosure of protected health information (PHI) by covered entities. HIPAA includes provisions that allow for disclosure of PHI for treatment purposes which generally means the provision, coordination, or management of health care and related services among health providers or by a health care provider with a third party, consultation between health care providers regarding a patient, or the referral of a patient from one health care provider to another.

## **6.0 How Information May be Shared**

- 6.0** Information may be shared by and between MDT members in person, telephonically, via facsimile or electronically in a manner consistent with WIC 18999.8(c)(2).
- 6.1** AB 210 MDTs may share information through the use of automated systems that facilitate exchange of data and other information.
- 6.2** Participating Agencies shall comply with the applicable information retention schedule in accordance with applicable laws.
- 6.3** AB 210 MDTs may share information through the exchange of data files in order to aggregate data to enhance service provision quality and efficiency, and to monitor system outcomes.

## **7.0 Use of Shared Information**

Information shared pursuant to this protocol will be used to facilitate the identification and

assessment of homeless adults and families and their linkage to the most appropriate housing and supportive services. The information will be used to keep Participating Agencies informed about the services homeless adults and families are currently receiving or have received in the past. Shared information will be used to coordinate care, ensure continuity of care, and reduce duplication and fragmentation of services.

## **8.0 Policies and Procedures Related to Security and Privacy Awareness Training**

- 8.1** The County has developed security and privacy training for all members of the MDT who will have access to information pursuant to this protocol.
- 8.2** The Policies and Procedures shall include a requirement that all persons who have access to information shared by participating agencies, sign the Employee Participation Agreement that includes, at a minimum, general use, security safeguards, acceptable use, and enforcement policies.
- 8.3** All Participating Agencies shall receive a copy of this Protocol. Participating Agencies will certify their agreement to abide by the Protocol by signing the Participating Agencies Agreement.
- 8.4** Each Participating Agency shall have the option to develop its own supplemental policies and procedures, which shall not conflict with the Countywide Protocol.

## **9.0 Ensuring Confidentiality**

- 9.1** Ensuring confidentiality of information regarding homeless individuals and families is of critical importance. All Participating Agency personnel will be subject to the same confidentiality requirements as one another. All information shared between AB 210 MDT participants is private and confidential.
- 9.2** Participating Agencies shall 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.
- 9.3** 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.
- 9.4** 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.

- 9.5** All Participating Agency personnel must sign a confidentiality statement prior to participating in AB 210 MDTs.
- 9.6** Participating Agencies must keep a copy of all personnel members' signed confidentiality statements on file for the duration of each personnel member's participation in AB 210 MDTs. HHSA will keep the original statements for all personnel members.
- 9.7** If a personnel member changes employer, and the new employer is also a Participating Agency, the personnel member must sign a new confidentiality statement.

## **10.0 Implementation and Oversight**

HHSA will provide oversight, coordination, development, and implementation of activities under this protocol, in addition to serving as a Participating Agency.

## **11.0 Inquiries about and changes to the Protocol**

- 11.1** Any inquiries about this Protocol should be directed to the HHSA director.
- 11.2** Any changes to the Protocol will be approved by HHSA director. All Participating Agencies will receive a copy of revised Protocol upon such approval.

## Relevant Categories of Information to be Shared\*

- Demographic Information
- Contact Information
- Service and Program History
- Medical History
- Mental Health History
- Disability Status
- Housing and Homeless History and Status
- Benefit History and Status
- Criminal History and Status
- Probation Status
- Domestic Violence Status
- Veteran Status
- Employment and Educational History and Status
- High Risk Behavior, Violence, or Aggression History
- “Family Finding” Research

\*This list is not exclusive. Members of homeless adult and family multidisciplinary personnel teams (MDTs) may share other information if they believe it is generally relevant to the identification, assessment, and linkage of homeless adults and families to housing and supportive services, provided that no information may be shared in a manner prohibited by federal law or regulations. Moreover, no Participating Agency is required to share any information simply because it falls into one of the categories listed above.

## Homeless Adult and Family Multidisciplinary Personnel Team Members

Homeless adult and family multidisciplinary personnel teams are comprised 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 is not be limited to, the following:

- Mental health and substance abuse services personnel and practitioners or other trained counseling personnel.
- Police officers, probation officers, or other law enforcement agents.
- Legal counsel for the adult or family representing them in a criminal matter.
- Medical personnel with sufficient training to provide health services.
- Social services workers with experience or training in the provision of services to homeless adults or families or funding and eligibility for services.
- Veterans services providers and counselors.
- Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.
- Any public or private school teacher, administrative officer, or certified pupil personnel employee.
- Housing or homeless services provider agencies and designated personnel.