

## **Information Sharing by Los Angeles County Homeless Adult and Family Multidisciplinary Personnel Teams Countywide Policies and Procedures**

AB 210 authorizes counties to establish homeless adult and family multidisciplinary teams (MDTs) to facilitate the expedited identification, assessment, and linkage of homeless individuals and families to housing and supportive services within the County. It allows provider agencies to share otherwise confidential information in order to coordinate services, ensure continuity of care, and reduce duplication of services. The following policies and procedures are intended to ensure that all agencies participating in AB 210 MDTs comply with the AB 210 statute and protocol.

### **1.0 Purpose**

The purpose of AB 210 is to allow for sharing of confidential information in order to facilitate the expedited identification, assessment, and linkage of homeless individuals and families 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.

### **2.0 Protocol**

AB 210 requires each county wishing to implement AB 210 to establish a protocol, which governs the information sharing authorized under the law. By agreeing to abide by the protocol, Participating Agencies commit to preserving and maintaining the confidentiality of the information to be exchanged under AB 210 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. Agencies wishing to participate in AB 210 MDTs must sign a Participating Agency Agreement, and thereby commit to abide by the protocol. All Participating Agency staff should review the protocol carefully. The protocol is Appendix A.

### **3.0 Participating Agencies**

Participating Agencies in AB 210 MDTs include County Departments, agencies affiliated with the County (e.g. Los Angeles Homeless Services Authority), contracted agencies of the County or County-affiliated agencies, governmental agencies, and non-governmental agencies. All Participating Agencies must have, as one of their purposes, the identification, assessment, and linkage of homeless individuals and families to housing and supportive services within the County. Participation in information sharing under AB 210 is contingent upon agencies' execution of the Participating Agency Agreement, as well as compliance with other requirements, such as staff participation in AB 210 training and staff signing confidentiality statements.

### **4.0 Agency Supplemental Policies and Procedures**

In addition to these Countywide Policies and Procedures, Participating Agencies will establish their own Supplemental Policies and Procedures. These policies and procedures shall not conflict with the Countywide Policies and Procedures. Participating Agencies

must share their Supplemental Policies and Procedures with the Los Angeles County Chief Executive Office – Homeless Initiative (CEO-HI) no later than June 30<sup>th</sup> of each year.

## **5.0 Personnel**

A range of personnel who are trained in the identification and treatment of homeless adults and families may participate in homeless adult and family multidisciplinary personnel teams. Teams may include, but are not limited to, the following types of staff:

- 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.

## **6.0 Formation of team**

6.1 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).

6.2 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.

6.3 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.

6.4 Client-specific AB 210 MDTs may form when authorized individuals establish contact with one another, verify their eligibility to participate in an MDT, and engage in information sharing. For MDT members who are not familiar with one another, verification of eligibility to participate in an MDT will be established through either an automated data system or by contacting designated point persons at each

agency who are able to assess eligibility and facilitate information sharing. Teams are disbanded when information sharing about a client is no longer necessary.

## **7.0 Information that can be shared under AB 210**

7.1 The members of AB 210 MDTs may share information that may be designated as confidential under State law, policy, or regulations, 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.

7.2 Information can only be shared under AB 210 if it pertains to homeless adults or families. Homeless is defined as 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.

7.3 The following relevant categories of information to be shared under AB 210 are identified in the AB 210 protocol:

- 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
- Employment and Educational History and Status
- High Risk Behavior, Violence, or Aggression History

7.4 There may be information that falls outside of the categories listed in 7.3 that is permissible to shared. Moreover, no Participating Agency is required to share any information simply because it falls into one of the categories listed.

- 7.5 Participating Agencies will delineate which pieces of information they will share in their Supplemental Policies and Procedures (described in section 4.0). Agencies may decide to share different information depending on the method of information sharing (as specified in section 10.0) or may determine that different information may be shared by different personnel.
- 7.6 Regardless of the type of information to be shared, personnel participating in an AB 210 MDT are required to ensure to the best of their abilities that information shared is complete, accurate, and up to date.

## **8.0 Information uses**

Information shared under AB 210 can be used to facilitate the identification and assessment of homeless adults and families and their linkage to the most appropriate housing and supportive services. Participating agencies may use information to coordinate care, ensure continuity of care, and reduce duplication and fragmentation of services.

## **9.0 Restrictions on information sharing and information uses**

- 9.1 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.
- 9.2 Testimony concerning information shared under AB 210 is not admissible in any criminal, civil, or juvenile court proceeding, notwithstanding any other law. Further, information and writings shared pursuant to this protocol shall be protected from discovery and disclosure by all applicable statutory and common law protections.
- 9.3 Representatives of domestic violence service organizations must obtain clients' consent in order to share confidential information regarding a domestic violence victim or the victim's family.
  - 9.3.1 Domestic violence service organizations must establish a policy delineating how they will obtain clients' consent, how frequently consent will be renewed, how consent will be tracked, and any other pertinent issues necessary to ensure appropriate consent has been secured prior to information sharing under AB 210.
- 9.4 Information provided by the Department of Public Health (DPH) and its contractors concerning substance abuse treatment is limited to indicating that there is no record of an individual in the Substance Abuse Prevention and Control (SAPC) records. No other information regarding substance abuse treatment delivered by DPH and its contractors may be shared.
- 9.5 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 care 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. For more information on the intersection between HIPAA and AB 210, see Appendix B.

## **10.0 How information can be shared**

- 10.1 AB 210 MDTs may share information through “person-to-person” mechanisms, including one-on-one telephone or in-person conversations, electronic communications, and other modes of communication.
- 10.2 AB 210 MDTs may share information through the use of automated systems that facilitate exchange of data and other information.
- 10.3 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.

## **11.0 Confidentiality**

- 11.1 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.
- 11.2 All Participating Agency personnel must sign a confidentiality statement prior to participating in AB 210 MDTs.
- 11.3 Participating Agencies must keep all personnel members’ signed confidentiality statements on file for the duration of each personnel member’s participation in AB 210 MDTs.
- 11.4 If a personnel member changes employer, and the new employer is also a Participating Agency, the personnel members must sign a new confidentiality statement.

## **12.0 Breaches**

- 12.1 The follow definitions apply to this section:
  - 12.1.1 Breach: The term “breach” means the unauthorized acquisition, access, use, or disclosure of PII and/or PHI which compromises the security, privacy or integrity of such information.
  - 12.1.2 Personally Identifiable Information (PII): PII is any information that identifies or describes an individual, including, but not limited to, names Social Security number, date of birth, physical description, home address, telephone number, education, financial matters, medical, or employment history. PII applies to all Multidisciplinary Teams who maintain such information.

12.1.3 Protected Health Information (PHI): PHI is information that relates to the past, present, or future of health, or payment for the health care that is individually identifiable health information, such as a person's name, physical description, medical record number, Social Security number that is transmitted or maintained in any form or medium, including electronic, written, or verbal. (Note that the term PHI is not applicable to all medical information and it applies only to HIPPA-covered entities and their business associates.)

12.2 The following procedures apply in the event of a breach or potential breach.

12.2.1 If a Multidisciplinary Team (MDT) member discovers or becomes aware of a Breach or potential Breach of PII or PHI, they must immediately (same business day) report the Breach to the Los Angeles County Chief Executive Office, Homeless Initiative at (213) 893-7735 or [AB210@ceo.lacounty.gov](mailto:AB210@ceo.lacounty.gov), who shall immediately report the breach to the following offices or individuals:

- Office of Privacy, Chief Executive Office / Risk Management Division, [HIPAA@ceo.lacounty.gov](mailto:HIPAA@ceo.lacounty.gov)
- The Chief Information Security Officer (CISO), Chief Executive Office / Chief Information Office Division, [rjohnson@ceo.lacounty.gov](mailto:rjohnson@ceo.lacounty.gov).
- Telephone call to (562) 940-3335, which is a 24 hour hotline operated by the Internal Services Department.

12.2.2 If a law enforcement official who is a member of an MDT contacts another MDT member to request PII and/or PHI about a client who is *not* in the custody of the law enforcement agency, the MDT member shall direct the official to contact the Los Angeles County Chief Executive Office, Homeless Initiative, at (213) 893-7735 or [homelessinitiative@lacounty.gov](mailto:homelessinitiative@lacounty.gov), who shall coordinate the request with County Counsel. If a law enforcement official who is not a member of an MDT contacts an MDT member to request PII and/or PHI, the MDT member should also contact the LA County Chief Executive Office, Homeless Initiative.

12.2.3 Following the initial notice of the discovery of a potential Breach, the Office of Privacy and CISO will coordinate efforts with the Los Angeles County, Homeless Initiative to investigate and mitigate the Breach.

12.3 For further information on Los Angeles County Board of Supervisors policies regarding breaches, please see: Board of Supervisors Policy Number 6.109 and Board of Supervisors Policy Number 3.041.

## 13.0 Training

13.1 All Participating Agency personnel must complete an AB 210 training prior to participating in AB 210 MDTs.

- 13.2 Participating Agencies must keep verification of all personnel members' successful completion of an AB 210 training on file for the duration of the personnel member's participation in AB 210 MDTs.
- 13.3 If a personnel member changes employer, and the new employer is also a Participating Agency, training does not need to be repeated if the personnel member completed an AB 210 training while in the position occupied immediately prior to taking a new position. However, the personnel member must obtain verification of successful training completion from the previous employer and the new employer must keep this verification on file.
- 13.4 AB 210 trainings will be presented via webinar and made widely available through County and other learning management systems.

#### **14.0 Information security**

- 14.1 Information shared electronically by County Departments under AB 210 is subject to the Los Angeles County Board of Supervisors Policy 6.100, Information Technology and Security Policy.

#### **15.0 Inquiries about and changes to Policies and Procedures**

- 15.1 Any inquiries about these Policies and Procedures should be directed to CEO-HI.
- 15.2 Any changes to these Policies and Procedures will be approved by CEO-HI. All Participating Agencies will receive a copy of revised Policies and Procedures upon such approval.

**LOS ANGELES COUNTY PROTOCOL  
GOVERNING INFORMATION SHARING BY LOS ANGELES COUNTY 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.

**5.0** 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.

**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.

**Definitions**

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

**Participating Agencies**

Los Angeles County Departments, their contracted agency providers, other governmental agency partners, and any other agencies/organizations 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. Pursuant to WIC 18999.8(b)(3), Participating Agencies in the County include but are not limited to:

Alternate Public Defender (APD)  
Community Development Commission (CDC)  
Chief Executive Office (CEO)  
Department of Health Services (DHS)  
Department of Mental Health (DMH)  
Department of Public Health (DPH)  
Department of Public Social Services (DPSS)  
Housing Authority of the County of Los Angeles (HACoLA)  
Los Angeles County Office of Education (LACOE)  
Los Angeles Homeless Services Authority (LAHSA)  
Sheriff's Department (LASD)  
Department of Military & Veterans Affairs (MVA)  
Public Defender (PD)  
Probation Department (Probation)  
Workforce Development, Aging and Community Services Department (WDACS)  
Contracted Agencies of any of the above-listed Participating Agencies (Contracted Agencies)  
Governmental agencies working in partnership with any of the above-listed Participating Agencies (Governmental Agencies)  
Non-Governmental agencies working in partnership any of the above listed Participating Agencies (Partner Agencies)

Additional County Departments, Contracted Agencies, Governmental Agencies, and Partner Agencies may be added as a Participating Agency upon approval by CEO Homeless Initiative (CEO-HI) and compliance with applicable terms herein.

Agencies will sign a Participating Agency Agreement (Agreement) to certify their participation and commitment to abide by all requirements in the Agreement.

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.

### **Establishment of the Multidisciplinary Personnel Teams**

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.

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

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, provided that no information may be shared in a manner prohibited by federal law or regulations.

"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.

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.

Unless there is written authorization, in accordance with all applicable laws, by the patient, information provided by DPH 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.

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

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).

Electronic sharing of information/data under this Protocol will be facilitated by existing electronic data systems and electronic data systems that are under development (Data Systems).

6.3 Participating Agencies shall comply with the applicable information retention schedule established by the CEO-HI in accordance with applicable laws.

### **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.

### **Policies and Procedures**

The County shall develop written Countywide Policies and Procedures that include security and privacy awareness training for employees who will have access to information pursuant to this protocol.

The Policies and Procedures shall include 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.

All Participating Agencies shall receive a copy of the Countywide Policies and Procedures. Participating Agencies will certify their agreement to abide by the Policies and Procedures by signing the Participating Agencies Agreement.

Each Participating Agency shall have the option to develop its own supplemental policies and procedures, which shall not conflict with the Countywide Policies and Procedures. If a Participating Agency develops such

supplemental policies and procedures, it will provide the most current version to CEO-HI no later than June 30<sup>th</sup> of each year.

### **Ensuring Confidentiality**

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.

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.

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.

### **Implementation and Oversight**

CEO-HI will provide oversight and coordination of activities under this protocol and the development and implementation that supports this protocol, in addition to serving as a Participating Agency.

The Chief Information Office (CIO) will assist in the development and implementation of any new County government information system that directly supports the exchange of information under this protocol.

**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

\*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.

## **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.