

**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.

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.

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 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)/Housing Authority of the County of Los Angeles (HACoLA)
Chief Executive Office (CEO)
Department of Health Services (DHS)
Department of Mental Health (DMH)
Department of Military and Veterans Affairs (MVA)
Department of Public Health (DPH)
Department of Public Social Services (DPSS)
Los Angeles County Office of Education (LACOE)
Los Angeles Homeless Services Authority (LAHSA)
Probation Department (Probation)
Public Defender (PD)
Sheriff's Department (LASD)
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)

- 3.2 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.
- 3.3 Agencies will sign a Participating Agency Agreement (Agreement) to certify their participation and commitment to abide by all requirements in the Agreement.
- 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 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.

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, 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 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.

6.0 How Information May be Shared

- 6.1 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).
- 6.2 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.

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

- 8.1 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.
- 8.2 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.
- 8.3 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.

- 8.4 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 30th of each year.

9.0 Ensuring Confidentiality

- 9.1 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.
- 9.2 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.
- 9.3 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.

10.0 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 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.