

Information Sharing by City and County of San Francisco Homeless Adult and Family Multidisciplinary Personnel Teams Citywide Policies and Procedures

California Welfare and Institutions Code (WIC) section 18999.8 authorizes cities and counties to establish homeless adult and family multidisciplinary teams (MDTs) to facilitate the expedited identification, assessment, and linkage of individuals and families experiencing homelessness (defined as “homeless individuals and families” in WIC section 18999.8) to housing and supportive services within the City and County of San Francisco (San Francisco). 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 these MDTs comply with all requirements of WIC section 18999.8.

1.0 Purpose

The purpose of WIC section 18999.8 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 San Francisco 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

WIC section 18999.8 requires San Francisco 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 WIC section 18999.8 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, use, 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 these MDTs must sign a Participating Agency Agreement, and thereby commit to abide by the protocol. All Participating Agency staff should review the protocol carefully.

3.0 Participating Agencies

Participating Agencies may include San Francisco Departments, agencies affiliated with San Francisco, contracted agencies of San Francisco or San Francisco-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 San Francisco. Participation in information sharing under WIC section 18999.8 is contingent upon agencies’ execution of the Participating Agency Agreement, as well as compliance with other requirements, such as staff participation in WIC section 18999.8 training and staff signing confidentiality statements.

4.0 Oversight

All WIC section 18999.8 MDT information sharing will be overseen by the MDT Oversight Group which will be comprised of one representative designated from each of the following San Francisco departments, each of whom is also Participating Agency: Office of the Mayor, Department of Emergency Management, Department of Homelessness and Supportive Housing, and Department of Public Health. The MDT Oversight Group will be responsible for ensuring that any exchange of confidential information made within a WIC Section 18999.8 MDT is done in full compliance with the law, as otherwise set forth in the protocol and these Policies and Procedures, and as required by San Francisco and Department-specific policy. The MDT Oversight Group will also be responsible for overseeing staffing of all WIC section 18999.8 MDTs, including ensuring that all MDT personnel have completed required training and signed individual confidentiality agreements.

The MDT Oversight Group will maintain records containing each Section 18999.8 MDT member's training history, and a copy of each member's signed confidentiality form. The MDT Oversight Group will also maintain a list of active MDT members. The MDT Oversight Group must ensure that the list of active MDT members is kept up to date and that any members who no longer meet the requirements set forth in these Policies and Procedures (for example, by failing to complete training, failing to abide by policies or protocols, or moving to a new department or assignment that no longer meets WIC Section 18999.8 criteria) are removed from the list and no longer participate in MDTs.

5.0 Agency Supplemental Policies and Procedures

In addition to these Citywide Policies and Procedures, Participating Agencies will establish their own Supplemental Policies and Procedures. These policies and procedures shall not conflict with the Citywide Policies and Procedures. Participating Agencies must share their Supplemental Policies and Procedures with the MDT Oversight Group no later than June 30th of each year.

6.0 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.

7.0 Formation of team

- 7.1 WIC section 18999.8 MDTs are comprised of two or more team members. Teams may exist on an ongoing basis (Ongoing MDTs) or be formed in order to serve a particular client or clients (Client-specific MDTs).
- 7.2 Ongoing MDTs may consist of personnel who are eligible to participate in WIC section 18999.8 MDTs and who work together on an ongoing basis and need to regularly share information in order to effectively serve their clients. For example, multidisciplinary cross-departmental outreach teams may form Ongoing MDTs.
- 7.3 Ongoing MDTs may also be engaged in broader data sharing efforts, such as generating a list of high utilizers of San Francisco services in order to prioritize serving such individuals and/or families, or aggregating data to track progress of San Francisco efforts to serve homeless individuals and families.

Client-specific 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 will work with the MDT Oversight Group to assess eligibility and facilitate information sharing. Client-specific MDTs are disbanded when information sharing about a client is no longer necessary.

8.0 Information that can be shared under WIC section 18999.8

- 8.1 The members of WIC section 18999.8 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.
- 8.2 Information can only be shared under WIC section 18999.8 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.
- 8.3 The following relevant categories of information to be shared under WIC section 18999.8 are identified in the 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

8.4 There may be information that falls outside of the categories listed in section 7.3 that is permissible to share.

8.5 No Participating Agency is required to share any information simply because it falls into one of the categories listed.

8.6 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.

8.7 Regardless of the type of information to be shared, personnel participating in an WIC section 18999.8 MDT are required to ensure to the best of their abilities that information shared is complete, accurate, and up to date.

9.0 Information uses

Information shared under WIC section 18999.8 can be used only 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.

10.0 Restrictions on information sharing and information uses

10.1 WIC section 18999.8 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 and must comply with the letter and intent of these laws.

- 10.2 Testimony concerning information shared under WIC section 18999.8 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.
- 10.3 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.
 - 10.3.1 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 WIC section 18999.8.
- 10.4 Information and records of substance use disorder program covered by 42 C.F.R. Part 2 (Part 2) may not be shared with or within the WIC Section 18999.8 MDT unless done so in compliance with Part 2 disclosure requirements except that the Department of Public Health (DPH) and its contractors may indicate that there is no such record of an individual in the relevant San Francisco electronic records.

Because WIC section 18999.8 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.

11.0 How information can be shared

- 11.1 WIC section 18999.8 MDTs may share information through "person-to-person" mechanisms, including by telephone or in-person conversations, electronic communications, and other modes of communication.
- 11.2 WIC section 18999.8 MDTs may share information through the use of automated systems that facilitate exchange of data and other information.
- 11.3 WIC section 18999.8 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.

12.0 Confidentiality

- 12.1 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 WIC section 18999.8 MDT participants is private and confidential. No confidential information or writings shall be disclosed to persons who are not members of the WIC section 18999.8 MDT, except to the extent required or permitted under applicable law. Confidential information may not in any way be used or re-disclosed outside of the MDT or for purposes other than those set forth in WIC section 18999.8.
- 12.2 All Participating Agency personnel must sign a confidentiality statement prior to participating in WIC section 18999.8 MDTs.
- 12.3 Participating Agencies must keep all personnel members' signed confidentiality statements on file for the duration of each personnel member's participation in WIC section 18999.8 MDTs.
- 12.4 If a personnel member changes employer, and the new employer is also a Participating Agency, the personnel member must sign a new confidentiality statement.

13.0 Breaches

- 13.1 The following definitions apply to this section:
 - 13.1.1 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.
 - 13.1.2 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.
 - 13.1.3 Protected Health Information (PHI): PHI is information that relates to the past, present, or future of health care, or payment for the health care that is individually identifiable health information, such as a person's name, physical description, medical record number, or 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 HIPAA-covered entities and their business associates.)
- 13.2 The following procedures apply in the event of a breach or potential breach.
 - 13.2.1 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 MDT Oversight Group, who shall immediately report the breach to the following offices or individuals:

- San Francisco Department of Public Health, Office of Compliance and Privacy Affairs
- San Francisco Department of Homelessness and Supportive Housing, Privacy and Data Sharing Officer
- The San Francisco Chief Information Security Officer (CISO)

Participating Agencies must immediately cooperate with any further requests for information, assistance, or action made by any of these officers or individuals in the course of their investigation of a potential Breach or Breach.

13.2.2 If any law enforcement official, whether or not 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 MDT Oversight Group who shall coordinate the request with the City Attorney.

13.2.3 Following the initial notice of the discovery of a potential Breach, the appropriate departments will coordinate efforts with the MDT Oversight Group to determine whether a potential Breach is a Breach and to investigate, mitigate, and otherwise respond to the Breach as set forth herein.

14.0 Training

14.1 All Participating Agency personnel must complete an WIC section 18999.8 training prior to participating in MDTs. Participating Agencies must keep verification of all personnel members' successful completion of a WIC section 18999.8 training on file.

14.2 If an MDT member changes their employer, and their new employer is also a Participating Agency, training does not need to be repeated if the member completed a WIC section 18999.8 training while in the position occupied immediately prior to taking a new position. However, the member must obtain verification of successful training completion from the previous employer and the new employer must keep this verification on file.

14.3 WIC section 18999.8 trainings will be made available through San Francisco and other learning management systems.

15.0 Information security

15.1 Confidential information shared electronically by San Francisco Departments under WIC section 18999.8 shall, at minimum, be encrypted in transit and at rest, and shall comply with all applicable industry standard security measures. In addition, all such electronic sharing shall comply with each San Francisco Department's data transmission policies and procedures as well as those established by the Department of Technology and the San Francisco Committee on Information Technology. Before commencement of the WIC section 18999.9 MDT, the MDT Oversight Group shall develop a written security policy

consistent with this section.

16.0 Inquiries about and changes to Policies and Procedures

- 16.1 Any inquiries about these Policies and Procedures should be directed to MDT Oversight Group.
- 16.2 Any changes to these Policies and Procedures will be approved by MDT Oversight Group. All Participating Agencies will receive a copy of revised Policies and Procedures upon such approval.