

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2021-2022 Regular Session**

SB 1342 (Bates)  
Version: March 30, 2022  
Hearing Date: April 26, 2022  
Fiscal: Yes  
Urgency: No  
AM

**SUBJECT**

Aging multidisciplinary personnel teams

**DIGEST**

This bill authorizes a county or area agency on aging (AAA) to establish an aging multidisciplinary personnel team (MPT) with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services, and allows provider agencies and members of the MPT to share confidential information for the purposes of coordinating services. This bill requires an aging MPT to adhere to a number of protocols surrounding the privacy, security, and confidentiality of the information and records shared. The bill defines “older adult” as a person 60 years of age or older.

**EXECUTIVE SUMMARY**

Existing law authorizes MPTs to be formed and operated at the county level to allow for a coordinated interagency response to APS issues, child welfare services issues, and assisting those who are homeless and, in specified counties, at risk of becoming homeless. MPTs provide their members the ability to share confidential information among team members for the specific purpose the MPT was established. This bill authorizes counties or AAAs to establish an aging MPT to facilitate the expedited identification, assessment, and linkage of older adults to services, as provided. The bill allows provider agencies and members of the aging MPT to share confidential information for the purposes of coordinating services for older adults, pursuant to specified procedures and protocols to protect the confidentiality and privacy of the older adult’s information that is being shared.

The bill is sponsored by the Orange County Board of Supervisors. The bill is supported by various counties and entities that provide social services. There is no known opposition. The bill passed the Senate Human Services Committee on a vote of 5 to 0.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Provides that a county may establish a homeless adult and family multidisciplinary personnel team (homeless MPT) to facilitate 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. (Welf. & Inst. Code § 18999.8(a).)<sup>1</sup>
- 2) Defines a homeless MPT as 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. Provides that a homeless MPT may include, but is not 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) case managers or case coordinators responsible for referral, linkage, or coordination of care and services provided to adults or families;
  - g) veterans services providers and counselors;
  - h) domestic violence victim service organizations, as defined;
  - i) any public or private school teacher, administrative officer, or certified pupil personnel employee; and
  - j) housing or homeless services provider agencies and designated personnel.  
(*Id.* at (b).)
- 3) Authorizes homeless MPT members engaged in the identification, assessment, and linkage of housing and supportive services to homeless adults or families to 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 believes it is generally relevant to the identification, reduction, or elimination of homelessness or the provision of services. Designates any discussion relating to this information as confidential and inadmissible in court proceedings. (*Id.* at (c).)
- 4) Requires that the sharing of confidential information under these provisions be governed by protocols developed in each county describing how and what information may be shared by the homeless adult and family multidisciplinary

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

personnel team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. Establishes requirements for the development and content of the protocols, including requirements governing training and retention, protection, and destruction of the information.

- 5) Provides that every member of a homeless MPT who receives information or records regarding adults and families in their capacity as a member of the team is subject to the same privacy and confidentiality obligations and the same confidentiality penalties as the person disclosing or providing the information or records. Requires that the information or records obtained be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights. (*Id.* at (f).)
- 6) Deems information and records communicated or provided to the homeless MPT members by all providers and agencies are private and confidential, and provides that the information and records are protected from discovery and disclosure by all applicable statutory and common law protections. Provides that existing civil and criminal penalties apply to the inappropriate disclosure of information held by the team members. (*Id.* at (h).)
- 7) Provides that ,in seven specific counties, homeless MPTs can additionally have the goal of facilitating the expedited identification, assessment, and linkage of individuals at risk of homelessness to housing and supportive services within that county, and requires the team member who first establishes contact with an individual at risk of homelessness to notify the individual that the individual's confidential information may be shared for the purpose of coordinating housing and supportive services to ensure continuity of care and is required to attempt to obtain the individual's consent for that information sharing. (§ 18999.81(a) & (d)(2).)

This bill:

- 1) Authorizes a county or area agency on aging (AAA) to establish an aging multidisciplinary personnel team (MPT) with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services, and allows provider agencies and members of the aging MPT to share confidential information for the purpose of coordinating services. Defines "older adult as a person of 60 years of age or older.
- 2) Permits the participation of appropriate city personnel in an established MPT within the service area of a county or AAA if the city requests such participation, unless the county or AAA determines that participation by the city would hinder compliance or would otherwise conflict with the AAA or county's goals and objectives.

- 3) Defines “aging MPT” as any team of two or more persons who are trained in and who are qualified to provide a broad range of services related to older adults. The team may include, but shall not be limited to, all of the following;
  - a) mental health and substance use disorder services personnel and practitioners or other trained counseling personnel;
  - b) police officers, probation officers, or other law enforcement agents.
  - c) legal counsel for the older adult;
  - d) medical personnel with sufficient training to provide health services;
  - e) social services workers with experience or training in the eligibility for and provision of services to older adults;
  - f) case managers or case coordinators responsible for referral, linkage, or coordination of care and services provided to older adults;
  - g) veterans services providers and counselors;
  - h) domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code;
  - i) a member of a multidisciplinary team, as defined in Sections 9401, 15610.55, 18999.8, or 18999.81; and
  - j) aging services provider agencies and designated personnel, including individuals with area agencies on aging.
  
- 4) Defines “aging service provider agency” as any governmental or other agency that has, as one of its purposes, the identification, assessment, and linkage of services to older adults. Further, provides that the aging services provider agencies that may share information include, but are not limited to: social services; health services; mental health services; substance use disorder services; probation; law enforcement; legal counsel for the adult; veterans services and counseling; domestic violence victim service organizations, as defined; a member of an established MDT, as defined; caregivers; and housing.
  
- 5) Authorizes MPT members engaged in the identification, assessment, and linkage of services to older adults to 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 believes it is generally relevant to the identification of or the provision of services. Designates any discussion relating to this information as confidential and inadmissible in court proceedings.
  
- 6) Requires that the sharing of confidential information under these provisions be governed by protocols developed by each AAA or each county describing how and what information may be shared by the MPT to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. Establishes requirements for the development and content of the protocols, including requirements governing training and retention, protection, and destruction of the information.

- 7) Provides that every member of a MPT who receives information or records regarding older adults as a member of the team is subject to the same privacy and confidentiality obligations and the same confidentiality penalties as the person disclosing or providing the information or records. Requires that the information or records obtained be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.
- 8) Deems information and records communicated or provided to the members of the MPT by all providers and agencies are private and confidential and provides that the information and records are protected from discovery and disclosure by all applicable statutory and common law protections. Provides that existing civil and criminal penalties apply to the inappropriate disclosure of information held by the team members.

### COMMENTS

#### 1. Stated need for the bill

The author writes:

By 2030, one-quarter of California's population will be 60 or older (10.8 million). Nearly 40% of Californians age 65+, who live independently, reported needing help with daily activities like errands, bathing, dressing, and meal preparation. The current system does not allow for the coordination of services among agencies who provide services to older adults. These services are intentionally organized across multiple agencies to facilitate the development of quality services and skilled staff, but the structure creates gaps and inefficiencies.

The result is that older adults often interact with multiple county departments, community service providers, and various points of entry for linkage to services needed to help them continue to live independently. Older adults are required to repeat their stories to each new provider, and providers are reliant on them to share information regarding services received. Services offered to older adults only consider the information provided by the older adult and/or caregiver(s). The result is the inability to have a comprehensive and collaborative approach to these services.

The County of Orange is currently developing a Master Plan for Aging that will coordinate services for older adults and allow them to thrive in our county. Resource partners need the authority to work together so older adults are seamlessly connected to critical programs and services.

2. This bill provides authority for AAAs, county departments, and aging service providers to share information within the structure of an MPT

- a. *Authorizes the establishment of aging MPTs to facilitate the expedited identification, assessment, and linkage of older adults to services*

According to the author and sponsor of the bill, existing law does not expressly allow public and private entities within the system of care serving the aging population to share information. Existing law only allows AAAs and other county agencies that provide services to older adults through an established multidisciplinary team to provide information regarding older adult clients to other county agencies with staff designated as members of a multidisciplinary team that are, or may be, providing services to the same individuals for purposes of identifying and coordinating the treatment of individuals served by more than one agency. (§ 9401.) This bill provides explicit statutory authority for AAAs, county departments, and aging service providers within the structure of an MPT to share information while also ensuring protection of privacy and confidentiality rights of those older adults whose information may be shared.

- b. *Privacy and confidentiality protections*

The bill's provisions are substantially similar to existing homeless and at-risk of homelessness MPT authority and has most of the same provisions regarding protection of privacy and confidentiality for information obtained and shared. (See § 18999.8 & 18999.81.) Existing law also allows the formation of multidisciplinary teams to address child abuse and neglect and abuse of elderly or dependent adults, and allows provider agencies to share confidential information in order to investigate reports of such suspected abuse or neglect with similar protections for confidentiality and privacy of information that are included in this bill. (See 18964, 18961.7, & 15610.55.) However, there are a few important protections that are included in the at-risk of homeless MPT that are not included in this bill. Specifically, notice that an older adult's information may be shared and that an older adult can opt out of the sharing of information.

Within the at-risk of homelessness MPT structure, the team member who first establishes contact with the individual who is at risk of homelessness must notify the individual that their confidential information may be shared for the purpose of coordinating housing and supportive services, and that the individual may opt out of having their information shared. (See § 18999.81(d).) The homeless MPT was specifically designed this way due to the special circumstances surrounding those who are at risk of homelessness, such as transitory housing situations. The population that the aging MPT would serve, persons 60 years or older, do not generally have these same special circumstances. As such, older adults should be afforded the right to affirmatively consent to the sharing of their information before any information is shared. They

should additionally be notified that they have the right to opt of sharing their information at any time.

3. Proposed amendments<sup>2</sup>

In order to address the privacy issues raised above the author has agreed to amend the bill. The specific amendments are:

On page 6, between lines 33 and 34 insert:

*(J) A requirement that, unless otherwise permitted by law, an area agency on aging or a county that establishes an aging multidisciplinary personnel team obtain the affirmative consent of an individual or their representative before the individual's information may be shared.*

*(K) A requirement that an area agency on aging or a county that establishes an aging multidisciplinary personnel team notify an individual that the individual's information may be shared for the purposes of the identification of or the provision of services once affirmative consent is obtained or is otherwise permitted by law and that the individual may opt out of sharing information under this section at any time. The notice shall inform the individual that refusal to consent to the sharing of information or deciding to opt out of sharing information under this section does not affect their eligibility for services.*

**SUPPORT**

Orange County Board of Supervisors (sponsor)  
Alzheimer's Orange County  
Braille Institute  
California State Association of Counties  
California Welfare Directors Association  
CalOptima  
City of Laguna Niguel  
Contra Costa County Board of Supervisors  
County of Ventura  
Meals on Wheels Orange County  
Orange County Employees Association  
Orange County United Way  
Urban Counties of California

**OPPOSITION**

None known

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<sup>2</sup> The amendments may also include the addition technical, nonsubstantive changes recommended by the Office of Legislative Counsel.

**RELATED LEGISLATION**

Pending Legislation: SB 1054 (Ochoa Bogh, 2022) authorizes employees of a county's adult protective services agency or a county's child welfare agency to disclose information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect or the abuse or neglect of an elder or dependent adult, and makes conforming changes, as provided.

Prior Legislation:

AB 728 (Santiago, Ch. 337, Stats. 2017) created a five-year pilot program in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara, and Ventura that allows those counties to expand the scope of a homeless adult and family multidisciplinary teams to include serving individuals who are at risk of homeless.

AB 210 (Santiago, Ch. 544, Stats. 2017) allowed counties to develop homeless adult and family multidisciplinary teams in order to facilitate identification and assessment of homeless individuals, and link homeless individuals to housing and supportive services, and to allow service providers to share confidential information to ensure continuity of care.

**PRIOR VOTES:**

Senate Human Services Committee (Ayes 5, Noes 0)

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