

AMENDED IN SENATE JUNE 12, 2025

AMENDED IN ASSEMBLY MARCH 17, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 1387**

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**Introduced by Assembly Member Quirk-Silva**

February 21, 2025

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An act to add Part 9 (commencing with Section 5990) to Division 5 of the Welfare and Institutions Code, relating to mental health.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1387, as amended, Quirk-Silva. Mental health multidisciplinary personnel team.

Existing law authorizes a county to establish a homeless adult and family multidisciplinary personnel team, as defined, with the goal of facilitating the 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.

This bill would authorize ~~counties~~ *a county* to also establish a mental health multidisciplinary personnel team, as defined, with the goal of facilitating the expedited identification, assessment, and linkage of a justice-involved person, as defined, diagnosed with a mental illness to supportive services within that county while incarcerated and upon release from county jail and to allow provider agencies and members of the personnel team to share confidential information, as specified, for the purpose of coordinating supportive services to ensure continuity of care. The bill would require the sharing of information permitted

under these provisions to be governed by protocols developed in each county, as specified, and would require each county to provide a copy of its protocols to the State Department of Health Care Services: *specified.*

This bill would authorize ~~the~~ *a* mental health multidisciplinary personnel team to designate a qualified person to be a member of the team for a particular case and would require ~~every~~ *a* member who receives information or records regarding a justice-involved person in their capacity as a member of the team to 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 bill would also require the information or records to be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 9 (commencing with Section 5990) is added  
2 to Division 5 of the Welfare and Institutions Code, to read:

3  
4 PART 9. MENTAL HEALTH MULTIDISCIPLINARY  
5 PERSONNEL TEAM  
6

7 5990. (a) A county may establish a mental health  
8 multidisciplinary personnel team with the goal of facilitating the  
9 expedited identification, assessment, and linkage of a  
10 justice-involved person diagnosed with a mental illness to  
11 supportive services within that county while incarcerated and upon  
12 release from county jail and to allow provider agencies and  
13 members of the personnel team to share confidential information  
14 for the purpose of coordinating supportive services to ensure  
15 continuity of care.

16 (b) For the purposes of this section, the following terms shall  
17 have the following meanings:

18 (1) "Justice-involved person" means an individual who is  
19 currently incarcerated within a county jail or who has been  
20 incarcerated in a county jail.

1 (2) “Mental health multidisciplinary personnel team” means a  
2 team of two or more persons who are trained in the identification  
3 and treatment of an individual with mental illness and who are  
4 qualified to provide a broad range of services related to mental  
5 health. The team may include ~~all~~ *any* of the following:

6 (A) Mental health and substance abuse services personnel and  
7 practitioners or other trained counseling personnel.

8 (B) Medical personnel with sufficient training to provide health  
9 services.

10 (C) Social services workers with experience or training in the  
11 provision of services to adults with mental illness and eligibility  
12 for services.

13 (D) Case managers or case coordinators responsible for referral,  
14 linkage, or coordination of care and services provided to adults or  
15 families.

16 (3) “Provider agency” means a governmental or other agency  
17 that has, as one of its purposes, the identification, assessment, and  
18 linkage of housing or supportive services to an individual with  
19 mental illness. The provider agencies serving adults that may share  
20 information under this section include all of the following entities  
21 or service agencies:

22 (A) Social services.

23 (B) Health services.

24 (C) Mental health services.

25 (D) Substance abuse services.

26 (E) Probation.

27 (F) Law enforcement.

28 (G) Legal counsel for the adult or family representing them in  
29 a criminal matter.

30 (H) Veterans services and counseling.

31 (I) Homeless services.

32 (J) Tribal programs.

33 (c) (1) Members of a mental health multidisciplinary personnel  
34 team engaged in the identification, assessment, and linkage of  
35 supportive services to a justice-involved person may disclose to,  
36 and exchange with, ~~one another,~~ *another* information and writings  
37 that relate to information that may be designated as confidential  
38 under state law if ~~the~~ *a* member of the team reasonably believes  
39 it is required for the identification of mental illness and the  
40 provision of services. A discussion relative to the disclosure or

1 exchange of the information or writings during a team meeting is  
2 confidential and, notwithstanding any other law, testimony  
3 concerning that discussion is not admissible in a criminal, civil,  
4 or juvenile court proceeding.

5 (2) Disclosure and exchange of information pursuant to this  
6 section may occur electronically if there is adequate verification  
7 of the identity of the mental health multidisciplinary personnel  
8 who are involved in that disclosure or exchange of information.

9 (3) Disclosure and exchange of information pursuant to this  
10 section shall not be made to anyone other than a member of the  
11 mental health multidisciplinary personnel team ~~and~~ *or* a person  
12 qualified to receive information as set forth in subdivision (d).

13 (4) To comply with the requirements of this section, all mental  
14 health multidisciplinary team members and their departments shall  
15 maintain a secure and standardized process for sharing a person's  
16 confidential records. This process shall ensure both of the  
17 following:

18 (A) All records and information is kept confidential in a manner  
19 that complies with all privacy laws.

20 (B) All records are guarded against unauthorized access.

21 (d) ~~The~~ *A* mental health multidisciplinary personnel team may  
22 designate a person qualified pursuant to paragraph (2) of  
23 subdivision (b) to be a member of the team for a particular case.  
24 A person designated as a team member pursuant to this subdivision  
25 may receive and disclose relevant information and records, subject  
26 to the confidentiality provisions of subdivision (g).

27 (e) (1) The sharing of information permitted pursuant to  
28 subdivision (c) shall be governed by protocols developed in each  
29 county describing how and what information may be shared by  
30 ~~the~~ *a* mental health multidisciplinary personnel team to ensure that  
31 confidential information gathered by the team is not disclosed in  
32 violation of state or federal law. A copy of the protocols shall be  
33 distributed to each participating agency and to persons in those  
34 agencies who participate in the multidisciplinary personnel team  
35 and shall be posted on the county's internet website within 30 days  
36 of adoption. ~~Each county shall provide a copy of its protocols to~~  
37 ~~the State Department of Health Care Services. This subdivision~~  
38 ~~does not require the department to review or approve any~~  
39 ~~multidisciplinary personnel team county protocols that it receives.~~

1 (2) A protocol developed in a county pursuant to paragraph (1)  
2 shall include, but not be limited to, all of the following:

3 (A) The items of information or data elements that will be  
4 shared.

5 (B) The participating agencies.

6 (C) A description of how the information shared pursuant to  
7 this section will be used by the mental health multidisciplinary  
8 personnel team only for the intended purposes specified in  
9 subdivision (a).

10 (D) The information retention schedule that *a* participating  
11 ~~agencies~~ *agency* shall follow.

12 (E) A requirement that no confidential information or writings  
13 be disclosed to a person who is not a member of the  
14 multidisciplinary personnel team, except to the extent required or  
15 permitted under applicable law.

16 (F) A requirement that a participating agency develop uniform  
17 written policies and procedures that include security and privacy  
18 awareness training for employees who will have access to  
19 information pursuant to this protocol.

20 (G) A requirement that all persons who have access to  
21 information shared by *a* participating ~~agencies~~ *agency* sign a  
22 confidentiality statement that includes, at a minimum, general use,  
23 security safeguards, acceptable use, and enforcement policies.

24 (H) A requirement that *a* participating ~~agencies~~ *agency* employ  
25 security controls that meet applicable federal and state standards,  
26 including reasonable administrative, technical, and physical  
27 safeguards to ensure data confidentiality, integrity, and availability  
28 and to prevent unauthorized or inappropriate access, use, or  
29 disclosure.

30 (I) A requirement that a participating agency take reasonable  
31 steps to ensure information is complete, accurate, and up to date  
32 to the extent necessary for the agency's intended purposes and that  
33 the information has not been altered or destroyed in an  
34 unauthorized manner.

35 (f) All transmissions made pursuant to this section shall comply  
36 with the Confidentiality of Medical Information Act (Part 2.6  
37 (commencing with Section 56) of Division 1 of the Civil Code),  
38 Chapter 1 (commencing with Section 123100) of Part 1 of Division  
39 106 of the Health and Safety Code, the Information Practices Act  
40 of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8

1 of Part 4 of Division 3 of the Civil Code), the federal Health  
2 Insurance Portability and Accountability Act of 1996 (HIPAA)  
3 (Public Law 104-191), the federal Health Information Technology  
4 for Economic and Clinical Health (HITECH) Act (Public Law  
5 111-5), and the corresponding implementing regulations relating  
6 to privacy and security in Parts 160 and 164 of Title 45 of the Code  
7 of Federal Regulations.

8 (g) ~~Every~~—A member of a mental health multidisciplinary  
9 personnel team who receives information or records regarding a  
10 justice-involved person in that member's capacity as a member of  
11 the team shall be under the same privacy and confidentiality  
12 obligations and subject to the same confidentiality penalties as the  
13 person disclosing or providing the information or records. The  
14 information or records obtained shall be maintained in a manner  
15 that ensures the maximum protection of privacy and confidentiality  
16 rights.

17 (h) This section does not supersede or preempt the applicability  
18 of any existing state or federal privacy laws, including, but not  
19 limited to, the following:

20 (1) The federal Health Insurance Portability and Accountability  
21 Act of 1996 (HIPAA) (Public Law 104-191).

22 (2) The Information Practices Act of 1977 (Chapter 1  
23 (commencing with Section 1798) of Title 1.8 of Part 4 of Division  
24 3 of the Civil Code).

25 (3) The Confidentiality of Medical Information Act (Part 2.6  
26 (commencing with Section 56) of Division 1 of the Civil Code).

27 (4) Section 5328.

28 (i) Information and records communicated or provided to a team  
29 member by a provider ~~and~~ *or* agency shall be deemed private and  
30 confidential and shall be protected from discovery and disclosure  
31 by all applicable statutory and common law protections. Existing  
32 civil and criminal penalties shall apply to the inappropriate  
33 disclosure of information held by ~~the a team-members. member.~~