

AMENDED IN ASSEMBLY MARCH 17, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1387

Introduced by Assembly Member Quirk-Silva

February 21, 2025

~~An act to amend Section 4000 of the Welfare and Institutions Code, relating to mental health. 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. ~~State Department of State Hospitals. 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 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.

This bill would authorize the 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 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.

~~Existing law establishes the State Department of State Hospitals within the California Health and Human Services Agency and sets forth its powers and duties relating to the administration of the state hospitals, including, but not limited to, the execution of laws relating to care and treatment of persons with mental health disorders under the custody of the department.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
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

1 *for the purpose of coordinating supportive services to ensure*
2 *continuity of care.*

3 *(b) For the purposes of this section, the following terms shall*
4 *have the following meanings:*

5 *(1) "Justice-involved person" means an individual who is*
6 *currently incarcerated within a county jail or who has been*
7 *incarcerated in a county jail.*

8 *(2) "Mental health multidisciplinary personnel team" means a*
9 *team of two or more persons who are trained in the identification*
10 *and treatment of an individual with mental illness and who are*
11 *qualified to provide a broad range of services related to mental*
12 *health. The team may include all of the following:*

13 *(A) Mental health and substance abuse services personnel and*
14 *practitioners or other trained counseling personnel.*

15 *(B) Medical personnel with sufficient training to provide health*
16 *services.*

17 *(C) Social services workers with experience or training in the*
18 *provision of services to adults with mental illness and eligibility*
19 *for services.*

20 *(D) Case managers or case coordinators responsible for*
21 *referral, linkage, or coordination of care and services provided*
22 *to adults or families.*

23 *(3) "Provider agency" means a governmental or other agency*
24 *that has, as one of its purposes, the identification, assessment, and*
25 *linkage of housing or supportive services to an individual with*
26 *mental illness. The provider agencies serving adults that may share*
27 *information under this section include all of the following entities*
28 *or service agencies:*

29 *(A) Social services.*

30 *(B) Health services.*

31 *(C) Mental health services.*

32 *(D) Substance abuse services.*

33 *(E) Probation.*

34 *(F) Law enforcement.*

35 *(G) Legal counsel for the adult or family representing them in*
36 *a criminal matter.*

37 *(H) Veterans services and counseling.*

38 *(I) Homeless services.*

39 *(J) Tribal programs.*

1 (c) (1) Members of a mental health multidisciplinary personnel
2 team engaged in the identification, assessment, and linkage of
3 supportive services to a justice-involved person may disclose to,
4 and exchange with, one another, information and writings that
5 relate to information that may be designated as confidential under
6 state law if the member of the team reasonably believes it is
7 required for the identification of mental illness and the provision
8 of services. A discussion relative to the disclosure or exchange of
9 the information or writings during a team meeting is confidential
10 and, notwithstanding any other law, testimony concerning that
11 discussion is not admissible in a criminal, civil, or juvenile court
12 proceeding.

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

17 (3) Disclosure and exchange of information pursuant to this
18 section shall not be made to anyone other than a member of the
19 mental health multidisciplinary personnel team and a person
20 qualified to receive information as set forth in subdivision (d).

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

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

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

29 (d) The mental health multidisciplinary personnel team may
30 designate a person qualified pursuant to paragraph (2) of
31 subdivision (b) to be a member of the team for a particular case.
32 A person designated as a team member pursuant to this subdivision
33 may receive and disclose relevant information and records, subject
34 to the confidentiality provisions of subdivision (g).

35 (e) (1) The sharing of information permitted pursuant to
36 subdivision (c) shall be governed by protocols developed in each
37 county describing how and what information may be shared by
38 the mental health multidisciplinary personnel team to ensure that
39 confidential information gathered by the team is not disclosed in
40 violation of state or federal law. A copy of the protocols shall be

1 distributed to each participating agency and to persons in those
2 agencies who participate in the multidisciplinary personnel team
3 and shall be posted on the county's internet website within 30 days
4 of adoption. Each county shall provide a copy of its protocols to
5 the State Department of Health Care Services. This subdivision
6 does not require the department to review or approve any
7 multidisciplinary personnel team county protocols that it receives.

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

10 (A) The items of information or data elements that will be
11 shared.

12 (B) The participating agencies.

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

17 (D) The information retention schedule that participating
18 agencies shall follow.

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

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

27 (G) A requirement that all persons who have access to
28 information shared by participating agencies sign a confidentiality
29 statement that includes, at a minimum, general use, security
30 safeguards, acceptable use, and enforcement policies.

31 (H) A requirement that participating agencies employ security
32 controls that meet applicable federal and state standards, including
33 reasonable administrative, technical, and physical safeguards to
34 ensure data confidentiality, integrity, and availability and to
35 prevent unauthorized or inappropriate access, use, or disclosure.

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

1 (f) All transmissions made pursuant to this section shall comply
2 with the Confidentiality of Medical Information Act (Part 2.6
3 commencing with Section 56) of Division 1 of the Civil Code),
4 Chapter 1 (commencing with Section 123100) of Part 1 of Division
5 106 of the Health and Safety Code, the Information Practices Act
6 of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8
7 of Part 4 of Division 3 of the Civil Code), the federal Health
8 Insurance Portability and Accountability Act of 1996 (HIPAA)
9 (Public Law 104-191), the federal Health Information Technology
10 for Economic and Clinical Health (HITECH) Act (Public Law
11 111-5), and the corresponding implementing regulations relating
12 to privacy and security in Parts 160 and 164 of Title 45 of the
13 Code of Federal Regulations.

14 (g) Every member of a mental health multidisciplinary personnel
15 team who receives information or records regarding a
16 justice-involved person in that member's capacity as a member of
17 the team shall be under the same privacy and confidentiality
18 obligations and subject to the same confidentiality penalties as
19 the person disclosing or providing the information or records. The
20 information or records obtained shall be maintained in a manner
21 that ensures the maximum protection of privacy and confidentiality
22 rights.

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

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

28 (2) The Information Practices Act of 1977 (Chapter 1
29 commencing with Section 1798) of Title 1.8 of Part 4 of Division
30 3 of the Civil Code).

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

33 (4) Section 5328.

34 (i) Information and records communicated or provided to a
35 team member by a provider and agency shall be deemed private
36 and confidential and shall be protected from discovery and
37 disclosure by all applicable statutory and common law protections.
38 Existing civil and criminal penalties shall apply to the
39 inappropriate disclosure of information held by the team members.

1 ~~SECTION 1. Section 4000 of the Welfare and Institutions Code~~
2 ~~is amended to read:~~
3 ~~4000. Within the California Health and Human Services~~
4 ~~Agency there is a State Department of State Hospitals.~~

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