



Frequently Asked Questions (FAQs) – edition 3, May 2021

*Data sharing, privacy & security *special**

Welcome to this special FAQs edition where County Counsel and the County Privacy Officer guide us on your data sharing, privacy and security inquiries.

Sharing of substance use information and data

- I. Can information about a client's substance use be disclosed to the MDT members?

Substance use information cannot be disclosed without patient authorization, except in limited circumstances where the information is disclosed by an entity that is not a substance use treatment disorder program. 42 CFR 2.13(a) restricts disclosure of substance use disorder records by federally funded programs that hold themselves out as providing alcohol or drug use diagnosis, treatment, or referral for treatment. Disclosures of substance use information from those programs, e.g., Orange County Health Care Agency, may only occur without a patient authorization in limited circumstances not present in the case of disclosure to Care Plus Program or with a patient authorization under 42 CFR 2.31. Moreover, while the fact of a positive test result from court-ordered drug testing may be disclosed, the specifics about which substance a person tested positive cannot be shared, nor can information derived from the law enforcement CLETS database cannot be shared. Authorization to disclose certain information under California's AB 210 to an MDT does not override the federal rules under 42 CFR Part 2 on the sharing of substance use disorder treatment records or California Department of Justice restrictions on the use of CLETS criminal offender record information.

- II. Are there any exceptions to this regarding the provider or data type? (treatment vs non treatment)

To the extent that an entity not a substance use treatment disorder program, as described under Q. I., above (e.g., the Sheriff or Probation) observes someone using drugs or issues a citation for drug use, that information may be disclosed to members of the Care Plus Program.

- III. Can substance use information otherwise allowed to be disclosed to MDT be recorded in SOCDIS when it is relevant to the client's care or risk management?

Yes, but only to the extent it derives from information shared as described in Answer II.



While coordinating client care, it may become relevant or necessary to share information with other providers or stakeholders.

- I. Can Care Plus Program members reach out directly to other providers / stakeholders to request or release information relevant to that clients care coordination?

There are no express restrictions on requesting information from third parties. Those parties may be restricted in what information they can share without authorization. Releasing information to third parties can occur where: a) the information may be shared under existing (non-AB 210) law, e.g., HIPAA, Civil Code 56.10, Welfare and Institution Code 5328, etc.; or b) AB 210 permits the disclosure of the information to and among the MDT member for the purposes of homelessness care coordination.

- II. Can Care Plus Program members respond to requests for information from other providers / stakeholders regarding a client in their care who may not have CPP authorization?

Please see the answer to I., above. Because non Care Plus Program members are not currently included in the client authorization, the scenarios in Questions I., and II., above, are the same.

Can MDT members share information with an HMIS (Clarity) provider who has obtained Care Plus Program authorization for their client?

Yes, if the HMIS (Clarity) provider is added to the client authorization and becomes a Care Plus Program participant.

Are there any best practice recommendations for recording information received from a third party within SOCDIS?

Yes. Identify the source of the information so that it is clear the information did not come from a confidential source or a source that has disclosure limitations.

How can I find out about Care Plus Program developments and find training / business updates?

Please visit our internal County website for all training resources, MDT materials and CPP documents (*just a reminder that this site is password protected, please do not pass the logon information to anyone outside of County*).

Please visit (username: CPP, password: CPP2021):

<https://www.ochealthinfo.com/about-hca/directors-office/office-care-coordination/care-plus-program-internal-website>

This site also contains the authorization form and all data sharing, privacy and security documentation relating to CPP.

Please post further questions to careplusprogram@ochca.com and we will feature them in the next FAQ issue!