



September 1, 2023

The Honorable Jesse Gabriel, Chair
Assembly Privacy and Consumer Protection Committee
1020 N Street, Room 162
Sacramento, CA 95814

**RE: SB 35 (Umberg) Community Assistance, Recovery, and Empowerment (CARE) Act
As Amended August 28, 2023
Set for Hearing September 5, 2023**

Dear Chair Gabriel,

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write in support of the recent amendments to SB 35 (Umberg), an urgency measure, that will provide limited authority to county behavioral health agencies to disclose medical and mental health information to the court as required for purposes of CARE Act proceedings. These amendments to SB 35 are essential to enable counties to implement the CARE Act as envisioned.

Last year, the Legislature passed and the Governor signed SB 1338 (Chapter 319, Statutes of 2022), which creates a new court process authorizing specified individuals to petition a civil court to create a voluntary CARE agreement or court-ordered CARE plan to provide behavioral health care, including stabilization medication, housing, and other enumerated services, to adults who are currently experiencing a severe mental illness and have a diagnosis identified in the disorder class schizophrenia and other psychotic disorders, and who meet other specified criteria.

Fulfillment of county behavioral health agencies' responsibilities under the CARE Act will require communication of detailed information regarding a respondent's behavioral health condition and treatment to the court. Such information is generally confidential under state and federal law and cannot be disclosed by any health care provider – including county behavioral health – without the respondent's consent. A respondent may decline to consent to release of their confidential medical and mental health information to the court – particularly during early phases of the case, when county behavioral health is preparing the initial report to the court required under the provisions of the CARE Act. As a result, express legal authority will be required for county behavioral health agencies to provide the court with the information contemplated by the CARE Act.

We appreciate the Committee's engagement with our organizations to develop additional amendments to ensure the data sharing provisions included in the CARE Act maintain the necessary confidentiality requirements as required by existing state and federal law.

For the reasons outlined above, CSAC, UCC, and RCRC support the recent and proposed committee amendments to SB 35. Should you have any questions, please do not hesitate to have your staff contact our organizations.

Sincerely,



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cc: The Honorable Tom Umberg, Member, California State Senate
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