

AMENDED IN SENATE MAY 11, 2011
AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 893

Introduced by Senator Wolk

February 18, 2011

~~An act to add and repeal Chapter 3.6 (commencing with Section 6280) of Division 7 of Title 1 of the Government Code, relating to governmental efficiency.~~ *An act to add Chapter 7 (commencing with Section 8300) to Division 8 of the Welfare and Institutions Code, relating to governmental efficiency, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 893, as amended, Wolk. ~~Governmental programs: information sharing.~~ *Health and Human Services System Improvement and Accountability Act of 2011.*

~~Existing law establishes an inalienable right to privacy.~~

Existing law establishes the California Health and Human Services Agency within state government, ~~and the California Research Bureau in the California state library~~ *which oversees various health and human services programs, including mental health, substance abuse treatment, rehabilitation, developmental programs, public health, child support, programs for the aging, health care, children's programs, and other programs.*

This bill, the Health and Human Services System Improvement and Accountability Act of 2011, would require the agency to establish, by December 1, 2013, the California Health and Human Services Review System in order to periodically review the health and human services programs administered by the state and local agencies, as specified.

The bill would require the agency convene a workgroup to design and draft a work plan to implement the system. The bill would require the agency to report specified information to the Legislature. The bill would require the Secretary of California Health and Human Services to establish an information sharing plan to enable the exchange of information among state and local agencies to support the implementation of the California Health and Human Services Review System.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the California Public Records Act, provides that public records are open to inspection at all times during the office hours of the state or local agency and establishes that every person has a right to inspect any public record, except as provided in the act.~~

~~This bill, until January 1, 2014, would provide the California Research Bureau access to information maintained by state agencies, including information that, in aggregate and detail form, is otherwise deemed confidential, when access to that information is required by the California Research Bureau for purposes of responding to a research request, made in writing, from an elected state officer or his or her duly recognized representative. The bill would, among other things, authorize the California Research Bureau to use information within its control in the preparation of its reports, documents, and related materials, as specified. The bill would require the Secretary Health and Human Services to establish an information sharing plan for the state and, by January 30, 2013, transmit the plan to the Legislature.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *The State of California has struggled to deliver high-quality,*
- 4 *effective, and efficient services through its health and human*
- 5 *services programs.*
- 6 (b) *Despite incremental legislative efforts and laudable pilot*
- 7 *projects in a range of areas, publicly funded programs are not*
- 8 *systematically evaluated, performance and outcomes are not*

1 *routinely documented, and successful programs are not consistently*
2 *replicated.*

3 *(c) Lack of information on performance, the cost-effectiveness*
4 *of programs, best practices, and evidence-based approaches*
5 *undermines opportunities to improve programs, enhance*
6 *prevention and early intervention, and ensure the best use of*
7 *limited resources.*

8 *(d) Barriers to information sharing prevent efforts to leverage*
9 *existing data to guide programmatic and fiscal decisions, recognize*
10 *opportunities to integrate services and improve outcomes, and*
11 *communicate information on performance to policymakers and*
12 *the public.*

13 *(e) Inadequate attention to accomplishments, challenges,*
14 *performance, and outcomes undermines statewide accountability*
15 *and limits public understanding of and support for California's*
16 *health and human services programs.*

17 *(f) The state has made notable progress in some areas, including*
18 *the development of an outcomes and accountability review system*
19 *for the child welfare system, the adoption of select health outcome*
20 *measures, and the identification of a limited number of*
21 *performance measures for specific mental health and substance*
22 *abuse treatment programs.*

23 *(g) Research indicates a relationship between inadequate access*
24 *to effective health and human services programs and increased*
25 *public sector costs for preventable hospitalizations, unemployment,*
26 *homelessness, and incarceration. Conversely, effective health and*
27 *human services programs, sufficiently focused on prevention, early*
28 *intervention, and effective practices, can reduce school failure,*
29 *improve employment opportunities, prevent suicide, and support*
30 *the ability of adults and families to achieve and sustain*
31 *self-reliance, and thus reduce public sector costs.*

32 *(h) Accordingly, in order to provide greater accountability for*
33 *health and human service outcomes, to encourage the statewide*
34 *leadership necessary to identify and replicate best practices, to*
35 *ensure that the unique and critical needs of children and families*
36 *are met, and to be consistent with the California's efforts with the*
37 *child welfare system, it is the intent of the Legislature to enact the*
38 *Health and Human Services System Improvement and*
39 *Accountability Act of 2011.*

1 *SEC. 2. Chapter 7 (commencing with Section 8300) is added*
2 *to Division 8 of the Welfare and Institutions Code, to read:*

3
4 *CHAPTER 7. CALIFORNIA HEALTH AND HUMAN SERVICES*
5 *REVIEW SYSTEM*

6
7 8300. (a) *This chapter shall be known, and may be cited, as*
8 *the Health and Human Services System Improvement and*
9 *Accountability Act of 2011.*

10 (b) *For purposes of this chapter, the following definitions apply:*

11 (1) *“Agency” means the California Health and Human Services*
12 *Agency.*

13 (2) *“Secretary” means the Secretary of California Health and*
14 *Human Services.*

15 (3) *“Workgroup” means the workgroup established pursuant*
16 *to Section 8302.*

17 8301. (a) *The agency shall establish, by December 1, 2013,*
18 *the California Health and Human Services Review System in order*
19 *to periodically review the health and human service programs*
20 *administered by the state and local agencies. These reviews shall*
21 *include, but not be limited to, mental health, substance abuse*
22 *treatment, rehabilitation, developmental programs, public health,*
23 *child support, programs for the aging, health care, children’s*
24 *programs, and other programs established under state law or*
25 *funded by the state that are under the jurisdiction of the agency,*
26 *including, but not limited to, programs that are provided by, or*
27 *substantially provided by, local agencies, including cities, counties,*
28 *cities and counties, joint powers agencies, regional agencies, or*
29 *nonprofit entities under contract with local agencies.*

30 (b) *Health and human service reviews shall maximize*
31 *compliance with federal regulations for the receipt of money from*
32 *federal sources and shall ensure compliance with state plan*
33 *requirements where established in response to state and federal*
34 *law.*

35 (c) *Reviews shall recognize and be coordinated with federal*
36 *requirements for reviews, performance improvement plans, and*
37 *outcome and performance reporting to reduce the duplication of*
38 *reporting requirements and improve coordination with federal*
39 *agencies working to improve the performance of public programs,*
40 *including, but not limited to, reporting requirements linked to the*

1 *federal Accountable Government Initiative and the Government*
2 *Performance and Results Act Modernization Act of 2010.*

3 *(d) In keeping with the intent of this chapter, reviews shall*
4 *recognize existing review and performance accountability policies*
5 *and practices and, to the extent feasible and practical as*
6 *determined by the agency, shall be coordinated with and consistent*
7 *with those policies and practices.*

8 *(e) In designing the system, the agency shall emphasize the*
9 *collection and reporting of information that provides meaningful*
10 *information to the public on investments in health and human*
11 *services programs, outputs delivered through health and human*
12 *service programs, and outcomes achieved through those programs.*

13 8302. *(a) By June 1, 2012, the agency shall convene a*
14 *workgroup that shall design and draft a work plan to implement*
15 *the system, as authorized by this chapter.*

16 *(b) The membership for the workgroup shall include the*
17 *following:*

18 *(1) Representatives of the departments under the jurisdiction*
19 *of the agency, as determined by the secretary.*

20 *(2) Representatives of other entities within state government,*
21 *including, but not limited to, the Judicial Council, the Mental*
22 *Health Services Oversight and Accountability Commission, the*
23 *State Department of Education, the Department of Justice, the*
24 *Little Hoover Commission, the First 5 California Commission, the*
25 *State Council on Developmental Disabilities, the California*
26 *Commission on Aging, the State Independent Living Council, and*
27 *other entities as determined by the secretary.*

28 *(3) Representatives of cities, counties, city and counties, regional*
29 *entities, schools, special districts, or other local agencies that*
30 *deliver services or administer programs under the authority of*
31 *departments under the jurisdiction of the agency, including, but*
32 *not limited to, the California State Association of Counties, the*
33 *County Mental Health Directors Association, the County Welfare*
34 *Directors Association of California, the Chief Probation Officers*
35 *of California, and other entities as determined by the secretary.*

36 *(4) Representatives of one or more tribal entities that directly*
37 *provide health and human services to California's tribal*
38 *population, including organizations that are formally sanctioned*
39 *by California tribes, and ensuring representation from entities*
40 *that provide services to tribal communities in predominantly rural*

1 *areas and entities that provide services to tribal communities in*
2 *predominantly urban areas.*

3 *(5) Representatives of organizations that provide advocacy on*
4 *behalf of children, youth, adults, older adults, and their families.*

5 *(6) Representatives of organizations or experts working to*
6 *address racial and ethnic disparities in access to health and human*
7 *services or the outcomes achieved through those programs.*

8 *(7) Researchers and other experts in areas associated with*
9 *public sector accountability, including experts in the areas of data,*
10 *indicators, performance measures, results-based accountability,*
11 *outcome reporting, and community indicators.*

12 *(c) The secretary shall determine how best to organize the*
13 *workgroup, including establishing subgroups, where appropriate,*
14 *to meet the goals of this chapter.*

15 *(d) At a minimum, in establishing the work plan, the workgroup*
16 *shall consider the outcomes to be monitored; performance*
17 *measures and indicators to be used; minimum thresholds for each*
18 *indicator or measure; strategies to report disparities by geographic*
19 *and demographic indicators; timelines for implementation; the*
20 *process for implementation among affected local agencies; the*
21 *role of peer-to-peer technical assistance and support; review*
22 *cycles; the uniform processes, procedures, and review instruments*
23 *to be used; the role of public reporting; planning for performance*
24 *improvement and any funding or staffing increases; and statutory*
25 *changes needed to implement the requirements of this chapter.*
26 *The agency shall broadly consider collaboration with relevant*
27 *entities to allow the adequate exchange of information and*
28 *coordination of efforts to improve health and human services*
29 *outcomes for Californians.*

30 *(e) The outcomes established by the workgroup, as referenced*
31 *in subdivision (d) shall include, but not be limited to, measures of*
32 *employment, education, housing and homelessness, health, safety,*
33 *and criminal justice involvement, and related information that is*
34 *useful for communicating to the public and policymakers the*
35 *quality, effectiveness, and value of health and human services.*

36 *8303. The agency shall report on it's progress in implementing*
37 *the California Health and Human Services Review System,*
38 *including, but not limited to, the timelines for implementation, the*
39 *process to be used, and funding or staffing increases needed at*
40 *the state or local level to implement the requirements of this*

1 *chapter, to the budget and appropriate policy committees of the*
2 *Legislature annually for three fiscal years, beginning with the*
3 *2013–14 fiscal year and ending with the 2016–17 fiscal year.*

4 *8304. (a) Consistent with the intent of this chapter, the agency*
5 *shall establish mechanisms to identify and promote the replication*
6 *of best practices in the delivery of health and human services under*
7 *the jurisdiction of the agency. Those mechanisms shall include all*
8 *of the following:*

9 *(1) Identification of goals and objectives of efforts to promote*
10 *best practices, including the major functions of the agency,*
11 *departments, local agencies, and other entities involved in*
12 *identifying and promoting the use of best practices in the*
13 *administration and delivery of health and human services*
14 *programs.*

15 *(2) A management strategy that supports the ability of the*
16 *agency, and the departments that make up the agency, to identify*
17 *and promote the use of best practices, including strategic planning;*
18 *identification of operational processes and procedures; and the*
19 *role of technology, information, evaluations, data sharing, and*
20 *other resources and strategies necessary to achieve the goals and*
21 *objectives established pursuant to paragraph (1).*

22 *(3) A fiscal strategy, including budget proposals, to staff and*
23 *support the ability of the agency and the departments that make*
24 *up the agency to evaluate existing practices, document best*
25 *practices in use around the state and elsewhere, and provide*
26 *technical assistance, outreach, education, and support to promote*
27 *the replication of best practices and achieve the goals and*
28 *objectives established pursuant to paragraph (1).*

29 *(4) A staffing plan to ensure that the agency and the departments*
30 *that make up the agency have sufficient staff, with the necessary*
31 *skill sets, knowledge, and training to achieve the goals and*
32 *objectives established pursuant to paragraph (1).*

33 *(5) Identification of those factors external to the agency and*
34 *the departments that make up the agency that are beyond their*
35 *control that could significantly affect the achievement of the goals*
36 *and objectives established pursuant to paragraph (1), and*
37 *proposals to reduce or mitigate those factors where appropriate.*

38 *(b) The agency shall report to the budget and appropriate*
39 *legislative policy committees of the Legislature annually for three*
40 *fiscal years, beginning with the 2013–14 fiscal year and ending*

1 *with the 2016–17 fiscal year; on the agency’s progress in*
2 *identifying and promoting the replication of best practices in the*
3 *delivery of health and human services under the jurisdiction of the*
4 *agency, including information on investments made to achieve*
5 *these goals, the accomplishments to date, and barriers to making*
6 *additional progress.*

7 8305. (a) *To support the implementation of the California*
8 *Health and Human Services Review System and the identification*
9 *and replication of best practices, as specified under this chapter,*
10 *the secretary shall establish an information sharing plan that*
11 *accomplishes all of the following:*

12 (1) *Enables the exchange of information among state agencies,*
13 *among local agencies, and between state and local agencies as*
14 *necessary for tracking costs, conducting research on best practices,*
15 *and improving the efficiency and effectiveness of public services,*
16 *including prioritizing access to prevention and early intervention*
17 *services.*

18 (2) *Provides state and local agencies and the public with*
19 *information on the costs and effectiveness of publicly supported*
20 *health and human services programs in California.*

21 (3) *Permits the Legislature and the public to monitor the*
22 *outcomes accomplished for the individuals receiving services,*
23 *including disparities by geography and demographic factors, as*
24 *established pursuant to this chapter.*

25 (4) *Establishes a memorandum of understanding, or one or*
26 *more related mechanisms, that permit the sharing of information*
27 *between the agency, and the departments that make up the agency,*
28 *and the California Research Bureau that enable the bureau to*
29 *conduct research on data held by the agency or the departments*
30 *that make up the agency, including data otherwise deemed*
31 *confidential, without reducing the privacy protections in place to*
32 *protect personal and confidential information.*

33 (b) *To develop the information sharing plan, the secretary shall*
34 *consult with state and local officials, clients and consumers who*
35 *receive government services, service providers, researchers,*
36 *privacy experts, the public, and others, as determined by the*
37 *secretary.*

38 (c) *By January 30, 2013, the agency shall transmit the*
39 *information sharing plan to the Legislature, including any*

1 *recommendations for statutory, regulatory, or other reforms that*
2 *are needed to achieve the goals of that plan.*

3 *(d) The information sharing plan shall include provisions to*
4 *protect the privacy of individuals.*

5 *SEC. 3. This act is an urgency statute necessary for the*
6 *immediate preservation of the public peace, health, or safety within*
7 *the meaning of Article IV of the Constitution and shall go into*
8 *immediate effect. The facts constituting the necessity are:*

9 *The state is facing historic fiscal challenges that undermine the*
10 *safety net system on which many Californians rely to meet their*
11 *basic health and safety needs. The state must put in place a system*
12 *for determining which programs are effective, and for promoting*
13 *the use of evidence-based practices to ensure that California is*
14 *making the best use of available resources. In order to preserve*
15 *the programs that are most effective in providing needed services,*
16 *it is necessary that this bill take effect immediately.*

17 ~~SECTION 1. The Legislature hereby finds and declares all of~~
18 ~~the following:~~

19 ~~(a) It is the intent of the Legislature to improve access to~~
20 ~~information that can inform the work of state officials in the pursuit~~
21 ~~of their duties in crafting legislation, allocating resources, and~~
22 ~~performing oversight responsibilities.~~

23 ~~(b) Information described in subdivision (a) includes information~~
24 ~~on the quality, effectiveness, and costs of public programs,~~
25 ~~information on how well individuals are served by those programs,~~
26 ~~the efficacy of programs, including programs that provide~~
27 ~~prevention and early intervention services, and the outcomes~~
28 ~~achieved for individuals and communities.~~

29 ~~(c) It is the intent of the Legislature to promote accountability~~
30 ~~and transparency in the operations of state government by~~
31 ~~improving access to information on the outcomes achieved through~~
32 ~~those operations.~~

33 ~~(d) Improved access to information maintained by state agencies~~
34 ~~is necessary to perform the oversight role of the Legislature and~~
35 ~~other state elected officials.~~

36 ~~(e) It is the intent of the Legislature to improve access to~~
37 ~~information while preserving the confidentiality or anonymity of~~
38 ~~sensitive and private information.~~

39 ~~(f) It is in the public interest to maintain private that information~~
40 ~~that is deemed confidential, including information on individuals,~~

1 information that could be used to determine the identity of
2 individuals, and information of a confidential nature, including
3 health and related information, and information on public
4 employees or others who work in sensitive areas or where the
5 release of personal or related information could result in a risk of
6 harm.

7 (g) In order to facilitate improved outcomes, through the
8 efficient and effective delivery of services through state programs;
9 it is the intent of the Legislature that the Governor, the Speaker of
10 the Assembly, and the President pro Tempore of the Senate
11 together establish a performance unit in state government
12 responsible for improving the quality of state operations and
13 programs.

14 SEC. 2. Chapter 3.6 (commencing with Section 6280) is added
15 to Division 7 of Title 1 of the Government Code, to read:

16
17 CHAPTER 3.6. INFORMATION SHARING WITH THE CALIFORNIA
18 RESEARCH BUREAU

19
20 6280. (a) For the purposes of meeting the information needs
21 of the Governor, the Legislature, and the state's other constitutional
22 officers, notwithstanding any other provision of law and to the
23 extent permitted by federal law, the California Research Bureau
24 shall have access to information maintained by state agencies,
25 including information that, in aggregate and detail form, is
26 otherwise deemed confidential, when access to that information
27 is required by the California Research Bureau for purposes of
28 responding to a research request, made in writing, from an elected
29 state officer or his or her duly recognized representative.

30 (b) Information that is provided to the bureau shall retain all of
31 its protections under the law from disclosure, as if it were not
32 transmitted to the bureau.

33 (c) Prior to receiving information that is recognized under state
34 or federal statute as confidential or sensitive in nature, the bureau
35 shall adopt protocols to protect that information from disclosure
36 that shall be consistent with the protocols in place at the agency
37 department, or other state entity that is transmitting the information.
38 These protocols may address how the bureau accesses the data
39 within the confines of the agency, department, or other state entity
40 where the data reside, as determined by the bureau.

1 ~~(d) For purposes of fulfilling its mission to respond to the~~
2 ~~information needs of the Governor, the Legislature, and~~
3 ~~California's other constitutional officers, the bureau may use~~
4 ~~information within its control in the preparation of its reports,~~
5 ~~documents, and related materials. The bureau shall not release~~
6 ~~information on individuals that is deemed confidential, but may~~
7 ~~release information in aggregate forms where personally~~
8 ~~identifiable is removed, thus eliminating the risk that the~~
9 ~~information can be linked to individuals.~~

10 ~~(e) The bureau shall take all necessary precautions to ensure~~
11 ~~that its access to information does not reveal information that is~~
12 ~~intended to remain private or confidential under the law.~~

13 ~~(f) Nothing in this chapter shall be construed to create public~~
14 ~~access to information that is not already accessible through other~~
15 ~~legal avenues. All legal protections against the release of private~~
16 ~~and confidential information shall remain in place pursuant to this~~
17 ~~section except as explicitly authorized herein.~~

18 ~~6281. (a) To improve data sharing among state agencies and to~~
19 ~~facilitate information sharing among local agencies, the Secretary~~
20 ~~of the California Health and Human Services shall establish an~~
21 ~~information sharing plan for the state that accomplishes all of the~~
22 ~~following:~~

23 ~~(1) Enables the exchange of information among state agencies,~~
24 ~~local agencies, and between state and local agencies as is necessary~~
25 ~~for tracking costs, conducting research on best practices, and~~
26 ~~improving the efficiency and effectiveness of public services;~~
27 ~~including prioritizing access to prevention and early intervention~~
28 ~~services.~~

29 ~~(2) Provides state and local agencies and the public with~~
30 ~~information on the effectiveness of public services.~~

31 ~~(3) Permits the Legislature and the public to monitor the~~
32 ~~outcomes accomplished for the individuals receiving services~~
33 ~~through public programs under the jurisdiction of the state or local~~
34 ~~agency. Those outcomes shall include, but are not limited to,~~
35 ~~measures of employment, education, housing and homelessness,~~
36 ~~health, safety, and criminal justice involvement or related~~
37 ~~information that is useful for communicating to the public and~~
38 ~~policymakers the quality, effectiveness, and value of those public~~
39 ~~services.~~

1 ~~(b) To draft the information sharing plan, the secretary shall~~
2 ~~consult with state and local officials, clients and consumers who~~
3 ~~receive government services, service providers, the public, and~~
4 ~~others.~~

5 ~~(c) By January 30, 2013, the California Health and Human~~
6 ~~Services Agency shall transmit the information sharing plan to the~~
7 ~~Legislature, including any recommendations for statutory,~~
8 ~~regulatory, or other reforms that are needed to achieve the goals~~
9 ~~of that plan.~~

10 ~~(d) The information sharing plan shall include provisions to~~
11 ~~protect the privacy of individuals.~~

12 ~~6282. This chapter shall remain in effect only until January 1,~~
13 ~~2014, and as of that date is repealed, unless a later enacted statute,~~
14 ~~that is enacted before January 1, 2014, deletes or extends that date.~~