

HOUSE BILL REPORT

SHB 1811

As Amended by the Senate

Title: An act relating to allowing for informed telephonic consent for access to housing or homelessness services.

Brief Description: Allowing for informed telephonic consent for access to housing or homelessness services.

Sponsors: House Committee on Community Development & Housing (originally sponsored by Representatives Springer, Roberts and Stanford).

Brief History:

Committee Activity:

Community Development & Housing: 2/9/11, 2/17/11 [DPS].

Floor Activity:

Passed House: 2/26/11, 97-0.

Senate Amended.

Passed Senate: 4/7/11, 49-0.

Brief Summary of Substitute Bill

- Allows personally identifying information about homeless individuals collected for the Washington Homeless Client Management Information System to be collected over the telephone.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kenney, Chair; Finn, Vice Chair; Smith, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern, Maxwell, Ryu, Santos and Walsh.

Staff: Jennifer Thornton (786-7147).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Homeless Housing and Assistance Act of 2005 required the Department of Commerce (Department) to develop a management information system for the homeless population. Engrossed Second Substitute House Bill 2418 of 2006 added additional specifications, including:

- requiring the Department to implement the Washington Homeless Client Management Information System (HMIS) by December 31, 2009, and to update it at least annually;
- specifying that the HMIS include information from the Washington homeless census, state agencies, and organizations providing services to the homeless population;
- allowing data to be collected only after having obtained informed, reasonably time limited written consent from the homeless individual;
- requiring information to be collected in a manner consistent with federal informed consent guidelines regarding human research; and
- directing that the HMIS serve as an online information and referral system.

The HMIS is an electronic record system that enables information-gathering about and continuous case management of homeless persons across agencies. Homeless service providers collect information about their clients and input it into the HMIS, so that it can be matched with information from other providers in the state to get accurate counts of homeless clients and the services they need. The statewide HMIS is designed to meet United States Department of Housing and Urban Development, Health Insurance Portability and Accountability Act, and state requirements as well as local provider needs.

Individually identifiable client data is only accessible to individuals authorized by the Department to access the database. Each client must sign a form consenting or denying the collection of his or her personally identifying information for the HMIS.

Summary of Substitute Bill:

Personally identifying information about homeless individuals collected for the HMIS, which can currently only be obtained with written consent, may now also be collected over the telephone. If collected over the telephone, written consent must be obtained at the first time the individual is physically present at an organization with access to the HMIS.

Safeguards to protect privacy rights consistent with federal requirements on data collection must be in place whether the information is collected in person or over the telephone. The Department must adopt policies for destroying paper documents containing personally identifiable information. These policies must not conflict with any federal data requirements.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment makes technical changes to clarify the information homeless clients must receive related to the collection of their personal data.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) We have been working on a plan to end homelessness. It is a struggle. We have begun to see slight. There are a myriad of agencies and organizations that provide housing and support services. As a process, a lot of personal information needs to be shared. When a homeless individual tries to access services, this person must go from place to place. This bill allows this to happen once and for the information to be shared with all the agencies. Information can be collected over the phone. When a person comes in for services, he or she would then fill out a written form protecting the information. After looking at best practices, coordinated entry is one way to allow ease of access. Being able to have telephonic consent would be a benefit throughout the state. Transportation issues can be a problem for clients. Calling makes it easier for people to access a shelter when it becomes available. Telephonic consent saves case managers a great deal of time for helping homeless individuals, and it allows the client to be served as quickly and efficiently as possible. We appreciate efforts to protect privacy and confidentiality for domestic violence survivors and others. Gathering this information when people first call will also make local funding priorities more informed.

(Opposed) None.

Persons Testifying: Representative Springer, prime sponsor; Emily Nolan, Building Changes; Kate Budd, Council for the Homeless; Linda Olsen, Washington State Coalition Against Domestic Violence; and Troy Christensen, Pierce County.

Persons Signed In To Testify But Not Testifying: None.