



**LEGISLATION & PUBLIC
INFORMATION UNIT**

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April 6, 2015

Honorable Mark Stone
California State Assembly
Capitol Building, Room 5155
Sacramento, CA 95814

RE: AB 1423 (STONE) – OPPOSE

Dear Assembly Member Stone:

Disability Rights California, a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, opposes AB 1423. This bill is scheduled to be heard in the Assembly Public Safety Committee on April 14, 2015.

Existing law provides for the designation and selection of health care surrogates, and for the manner of making health care decisions for patients without surrogates.

Existing law prohibits the administration of psychiatric medication to an inmate in state prison on a nonemergency basis without the inmate's informed consent, unless certain conditions are satisfied, including, among other things that a psychiatrist determines the inmate is gravely disabled and does not have the capacity to refuse medication. Existing law authorizes a physician to administer psychiatric medication to a prison inmate in emergency situations.

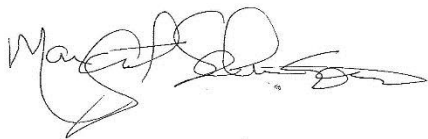
This bill would establish a process for a licensed physician or dentist to file a petition with the Office of Administrative Hearings to request an

administrative law judge make a determination as to a patient's capacity to give informed consent or make a health care decision, and request appointment of a surrogate decision maker. The bill would require the petition to contain specified information, including, among other things, the inmate patient's current physical condition and a description of the health care conditions currently afflicting the inmate patient.

This process is redundant and unnecessary. There is already a process to get a medical treatment order from the Superior Court. Current procedures are adequate and contain appropriate due process protections. There is simply no need for this bill.

For these reasons, we oppose this bill. Please contact me if you have any questions about our position.

Very truly yours,

A handwritten signature in black ink, appearing to read "Margaret Johnson", with a stylized flourish at the end.

Margaret Johnson, Esq.
Advocacy Director
Disability Rights California

cc: Honorable Chair and Members, Assembly Public Safety Committee
Gabriel Caswell, Counsel, Assembly Public Safety Committee
Alfredo Arredondo, Legislative Aide, Office of Assembly Member
Stone