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April 14, 2017

Honorable Jim Wood
Chair, Health Committee
California State Assembly
Capitol Building, Room 6005
Sacramento, CA 95814

RE: AB 1539 (CHEN) – OPPOSE

Dear Assembly Member Wood:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, opposes AB 1539. This bill is scheduled for hearing in the Assembly Health Committee on May 9, 2017.

Existing law, the Lanterman-Petris-Short (LPS) Act, provides for the involuntary commitment and treatment of persons with specified mental disabilities. Under the act, when a person, as a result of a mental health disability, is a danger to others, or to themselves, they may, upon probable cause, be placed in a facility designated by the county for 72-hour treatment and evaluation. Existing law, for these purposes defines “gravely disabled” to mean either a condition in which a person, as a result of a mental health disability or chronic alcoholism, is unable to provide for basic personal needs for food, clothing, or shelter.

This bill would expand the definition of “gravely disabled” to include a condition in which a person, as a result of a mental health disability or chronic alcoholism, is unable to provide for their medical care.

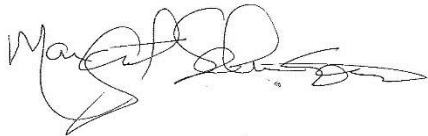
This expansion of the definition of “gravely disabled” is vague and

overbroad. As written, it could include nearly anyone. It could include people who need medical care for conditions such as diabetes, cancer or other medical conditions. Such an expansion of the LPS Act is not warranted and will result in placing people on holds who do not need the sort of treatment intended by the LPS Act. Further, it will include people who can make medical decisions. If a person needs a substituted decision maker for medical care, current law allows for this. See Probate Code sections 3200 and following. Further, forcibly medicating people for mental health conditions requires a finding of lack of capacity and a hearing before medication can be administered involuntarily. See Welfare and Institutions Code sections 5332-5336.

The proposed bill is bad public policy. Such an expansion is unnecessary, intrusive and not protective of people's right to consent to treatment unless they are determined to lack the capacity to do so.

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

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 Phillip Chen, California State Assembly
Danny Martinez, Legislative Director, Office of Assembly Member
Chen
Honorable Members, Assembly Health Committee
Paula Villescaz, Principal Consultant, Assembly Health Committee