



**LEGISLATION & PUBLIC
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April 21, 2017

Honorable Hannah-Beth Jackson
Chair, Judiciary Committee
California State Senate
Capitol Building, Room 2032
Sacramento, CA 95814

RE: SB 481 (PAN) – STATEMENT OF CONCERN

Dear Senator Jackson:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, has concerns with SB 481. This bill is scheduled for hearing in the Senate Judiciary Committee on April 25, 2017.

SB 481 requires that a resident of a long term care facility who is determined to lack capacity to make health care decisions when there is no person with legal authority to make those decisions on the resident's behalf, be notified prior to implementing a medical intervention, of this lack of capacity determination, of the medical intervention that has been prescribed, and of the right of the resident to challenge those determinations in a judicial proceeding.

DRC has several concerns with this bill in its timing and that it is not addressing all of the issues that have been invalidated in the pending litigation. We are concerned that the piecemeal approach will result in an inconsistent solution to the complex myriad of issues of informed consent. We believe that the better course for resolving the issues pending in the litigation and are partly addressed by this bill is to wait for a decision from the Court of Appeal so that a comprehensive solution can be found

between the sponsors, representatives of residents, other stakeholders and the California Department of Public Health.

Additionally, we believe that the notice provisions in this bill do not yet provide full and meaningful notice to the resident. We share the continuing concerns expressed by California Advocates for Nursing Home Reform as well as others regarding the clarity of the proposed notice provisions. We hope to be able to discuss these concerns with the author and sponsors.

For these reasons, we state our concerns with the 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 "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director

cc: Honorable Richard Pan, California State Senate
Bernadette Lawrence, Legislative Director, Office of Senator Pan
Honorable Members, Senate Judiciary Committee
Marisa Shea, Counsel, Senate Judiciary Committee