

**DEPARTMENT OF STATE HOSPITALS
FINAL STATEMENT OF REASONS**

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 16. State Hospital Operations
Article 6. End of Life Option Act

UPDATE OF THE INFORMATION CONTAINED IN THE INITIAL STATEMENT OF REASONS

Section 4600. End of Life Option

DSH is adding subdivision (c) to section 4600 to clarify that End of Life Option process will not be available to CDCR inmates who are temporarily housed with the DSH pursuant to Penal Code section 2684 et seq. CDCR inmates remain under the custody of CDCR at all times during their treatment at state hospitals pursuant to Penal Code section 2684. Specifically, the statute provides that they are only transferred to us for care and treatment. Once the inmate will not benefit from the treatment, CDCR is to take the inmate back to prison. Therefore, DSH does not have authority to determine when and how it is appropriate for CDCR's inmates to obtain Aid in Dying medications

ANTICIPATED BENEFITS:

These regulations would provide a non-monetary benefit to the patients and employees of the Department. These regulations provide safety measures so patients committed to our in-house psychiatric hospitals are not carrying lethal drugs on their person. The end of life drugs will be carefully monitored so as not to pose a threat to other patients or employees.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Fiscal impact regarding non-discretionary costs or savings imposed on local agencies.

The Department does not anticipate any non-discretionary costs or savings imposed on local agencies during the current fiscal year and the two subsequent fiscal years.

The Department does not anticipate there to be any additional costs to the Department or state agency. The Department already pays for end of life care for its patients, whether housed at the hospital or in external care.

Benefits to the health and welfare of California residents, worker safety, and the state's environment.

The Department has determined that the proposed regulations to not have a economic impact on the health and welfare of California residents, worker safety, and the state's environment.

LOCAL MANDATE DETERMINATION

The Department has determined that the proposed regulations do not impose a mandate on local agencies or school districts.

SUMMARY OF EACH OBJECTION OR RECOMMENDATION MADE REGARDING THE PROPOSED REGULATIONS

No objections or recommendations were received during the 45-day public comment period regarding these proposed regulations.

ALTERNATIVE DETERMINATIONS

The Department has determined there are no other reasonable alternatives that would be more effective in carrying out the purpose for which the regulation is proposed; would be more effective and less burdensome to affected private persons than the adopted regulation; or would be more cost effective to affected private persons and equally effective in implementing the statutory policy of other provision of law. The regulation allows the department to ensure the safety of other patients and staff while allowing a patient who would like to participate in this action to do so, with court involvement. The court involvement is necessary, as these patients are committed to the department by the court.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department does not anticipate any adverse economic impact on small businesses as these regulations only impact patients under the care and treatment of the Department.