



A VOICE FOR CHOICE

LETTER OF OBJECTION OF PERSONAL INFORMATION VIA MEDICAL EXEMPTION PILOT PROGRAM

June 12, 2016

This letter is in response to the recent solicitation of student health records by some County Public Health Departments in the state of California, under the pretext of a Medical Exemption Pilot Project. (Example available online and attached.)

A Voice for Choice sincerely objects to the initiation of such a Medical Exemption Pilot Project with the express intent to collect and evaluate Medical Exemptions filed with California schools under SB 277, and asks for it to be withdrawn immediately.

Medical Exemptions submitted to schools to comply with SB 277 are written by physicians to protect children from vaccine injury. According to SB 277, they are at the discretion of the physician, who has evaluated their patient, and determined that the risk of vaccine injury is greater than the risk of injury from the disease. When SB 277 passed, the state left the burden of enforcement of Medical Exemptions to the school districts. Both these points were explicitly explained in the CA Assembly Health Hearing (<http://tinyurl.com/MedicalExemption>). The Medical Exemption requirements are clearly spelled out by SB 277 and the California Department of Public Health (on the shotsforschool.org website), both of which are easily accessible by school districts. If schools have questions, beyond what is explained by these resources, it is assumed they would reach out to the county or state department of public health on an individual basis. There is no need for an audit of Medical Exemptions through a pilot program.

There are many privacy and overreach issues with regard to this pilot program. Sec. 5. 120370. (a) of the California Health and Safety code which was amended under SB 277 explicitly states:

If the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probable duration of **the medical condition or circumstances, including, but not limited to, family medical history**, for which the physician does not recommend immunization, that child shall be exempt from the requirements of Chapter 1.

This means that Medical Exemptions filed with schools contain information about the health records of the student and/or their family members. Releasing the records to any organization (government or otherwise) without the prior written consent of the family would violate their medical privacy. There is no health crisis or any other reason to warrant the release of private student records to any organization.

This Medical Exemption Pilot Project places further burdens on our public and private school systems, already feeling the pressure to implement new exemption programs with no assistance from the state. Soliciting private student records from our schools without prior written notification and consent only serves to increase tension between parents and educational institutions. It also invites expensive lawsuits.

With no real impetus for the auditing of Medical Exemption records, this Medical Exemption Pilot Program appears to be a strategy to intimidate and target physicians and their patients who file legitimate Medical Exemptions, by collecting personal data and capturing physician identities. The objective of the Pilot Program becomes even more questionable given the evident ties between Dr Charity Dean (the instigator of the program) and Senator Pan (the author of SB 277) and the California Medical Association (the sponsor of SB 277). Since SB 277 passed, Senator Pan was quoted in a SacBee editorial saying “As the new law gears up, the state medical board should crack down on any physician who appears to be offering bogus medical exemptions or setting up shop as a professional enabler for vaccine resisters.”

This gives insight into the probably true objective of the Medical Exemption Pilot Program – to generate a list of physicians who are giving Medical Exemptions so that Senator Pan and the medical board can crack down on them. If they were to do this, what they would find is that there are only a small number of private practice physicians who have written the majority of the Medical Exemptions on file. They may infer from this that it is these physicians that have “set up shop” for the benefit of vaccine resisters. But this is far from the truth. They are small in number because very few physicians have the ability to give Medical Exemptions based on family history or prior severe vaccine reactions which are not on the list of CDC contraindications for vaccines. Large corporations, such as Kaiser Permanente or Universities, have extremely strict prescribed guidelines for writing Medical Exemptions, and so, for example, would not consider a sibling of a child who had a severe vaccine reaction a great enough reason for a medical exemption, even though this is stated as admissible by SB 277 (available upon request). Most practices that take health insurance also are unwilling to write Medical Exemptions because of the pressure from health insurance companies to have their entire patient population fully vaccinated. Health insurance companies threaten that they will remove coverage from these practices if they fall under a certain vaccination rate, which is something these practices cannot afford to do as they would lose their patients. This leaves a small number of private practice physicians who have the ability to fully evaluate the patient and use their knowledge and judgement to evaluate whether a Medical Exemption is appropriate. Therefore it is only expected that the Medical Exemptions submitted to schools in each area would be from a select few private practice physicians. This is also further exacerbated because parents who know that their children are medically more susceptible to vaccine injury often see naturopathic doctors, chiropractors or other alternative health care providers as their primary health care provider. This means that these parents do not have an MD or DO that they see on a regular basis and so have sought out private practice doctors specifically to evaluate their children for a Medical Exemption. This Pilot Project further disenfranchises parents and physicians with legitimate concerns about vaccines, which have been deemed “unavoidably unsafe” by the Supreme Court.

In short, the Medical Exemption Pilot Project is wrong, it is unnecessary, and in its overreach it violates the rights of all families and physicians who use the only legal way in California to avoid vaccine injury in order to attend public or private school. It needs to be stopped and withdrawn immediately.

Christina Hildebrand
President/Founder
A Voice for Choice Advocacy, Inc.

Giving issues a voice, A Voice for Choice advocates for people’s rights to be fully informed about the composition, quality, and short- and long-term health effects of all products that go into people’s bodies, such as food, water, air, pharmaceuticals and cosmetics.

Santa Barbara County
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DEPARTMENT

Disease Control and Prevention

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June 6, 2016

To: School Superintendents, Principals and Child Care Center Directors
CC: School Nurses

Re: Medical Exemption Pilot Project

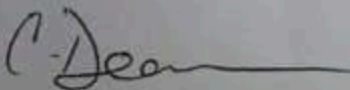
In light of Senate Bill 277 being implemented this year, the Santa Barbara County Public Health Department is initiating the Medical Exemption Pilot Project. We are directing all schools and childcare centers to fax all Medical Exemptions (permanent or temporary) submitted for the 2016-2017 school year to the Immunization Program. This will enable a comprehensive review of each exemption by the Health Officer and Immunization Program staff. Our purpose is to collect and analyze data, identify any Medical Exemption not meeting SB 277 criteria, and provide helpful information to physicians issuing such exemptions. Our secure fax number is (805) 346-7232.

If a Medical Exemption is determined to not meet SB 277 criteria and is therefore ineligible, we will contact your school. If you do not receive such notification, please assume the submitted Medical Exemption is acceptable.

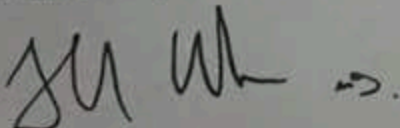
As a HIPAA- exempt entity our Immunization Program routinely requests and reviews vaccination records from schools and medical providers. Providing these documents to the Public Health Department via our secure fax line is not a violation of HIPAA.

Thank you for your leadership and partnership in implementing Senate Bill 277. Together we promote a safe and healthy community. Please contact the Immunization Program at (805) 346-8420 if you have questions.

Sincerely,



Charity Dean MD, MPH
Health Officer, Santa Barbara County Public Health Dept.



Takashi Wada MD, MPH
Director, Santa Barbara County Public Health Dept.