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SB276/SB714 Implications for Your Child

Overview

SB276/SB714 modify the statute that was put in place in 2015 by SB277 with regard to vaccine medical exemptions for school. A Voice for Choice Advocacy will be sharing a section by section analysis of the technical statute changes by the end of the week, but have had so many parents ask what will happen to their specific child, that we wanted to get something together so parents know what their options are for this school year and the next. We will convert this into an easy to use flow chart shortly.

Disclaimer: These are A Voice for Choice Advocacy's interpretations based on the SB276/714 wording (which is very circuitous) and current information on Shots for Schools (the CDPH website regarding CA vaccination requirements) with regard to how SB277 has been implemented. There are some grey areas which are subject to interpretation and may change based on how CDPH implements it. There is no regulatory process for this law so we are subject to CDPH's whims. They just released this question and answer document, which is very broad and does not give all the details:

<https://www.chhs.ca.gov/blog/2019/09/09/senate-bill-276-and-senate-bill-714-vaccinations-and-medical-exemptions-questions-and-answers/>

If your child is:

Homeschooled - A pupil in a home based private school or a pupil who is enrolled in an independent study is exempt from vaccination requirements. (SB277)

In Public school with an IEP or in a Private school with public school IEP services – A pupil with an IEP or IEP services is exempt from vaccination requirements. (SB277 and Federal law)

Your school may ask for their vaccination records to be on file if they have any, but cannot require them to be up to date or have a Medical Exemption on file for the remainder. If you have an IEP and are having issues with your school allowing your child to attend, please contact us and we will put you in touch with Educate.Advocate who successfully helps with these issues.

For child day care center, day nursery, nursery school or family day care, the child must be fully vaccinated or have a medical exemption.

From January 1 2020 to June 30 2021, if your child is entering...

For the first time – Will need a medical exemption issued between January 1 and December 30, 2020 that complies with the SB277 medical exemption criteria, or after January 1, 2021 that complies with the SB276 criteria.

Continuing with a medical exemption dated prior to January 1, 2020 – Will be grandfathered in until TK or Kindergarten, when they will need a medical exemption that complies with the SB276 criteria.



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For TK, K-12 private or public school, your child must be fully vaccinated or have one of the following exemptions.

In July 2020, if your child is private or public school entering...

TK or Kindergarten – Will need a medical exemption issued between January 1 and December 30, 2020 that complies with the SB277 medical exemption criteria.

1st through 6th grade with an existing medical exemption on file dated prior to January 1, 2020 - Will be grandfathered in until 7th grade, when they will need a medical exemption that complies with the SB276 criteria.

5th or 6th grade with a grandfathered PBE on file before 2016 – Will continue to be grandfathered in until 7th grade, when they will be required to have a medical exemption that that complies with the SB276 criteria.

7th grade – Will need a medical exemption issued between January 1 and December 30, 2020 that complies with the SB277 medical exemption criteria.

(Note: This is the greyest area in this bill, so we will likely update it as we learn more)

8th through 12th grade with an existing medical exemption on file dated prior to January 1, 2020 - Will be grandfathered in until end of 12th grade.

12th grade with a grandfathered PBE on file before 2016 – Will continue to be grandfathered in until the end of 12th grade.

In July 2021, if your child is private or public school entering...

First time entrance to school in any grade - Will need a medical exemption issued after January 1, 2021 that complies with the SB276 criteria.

TK or Kindergarten – Will need a medical exemption issued after January 1, 2021 that complies with the SB276 criteria.

1st grade with an existing medical exemption on file dated prior between January 1 and December 30, 2020 that complies with the SB277 medical exemption criteria – Will be grandfathered in until 7th grade.

2nd through 6th grade with an existing medical exemption on file dated prior to January 1, 2020 - Will be grandfathered in until 7th grade, when they will need a medical exemption that complies with the SB276 criteria.

6th grade with a grandfathered PBE on file before 2016 – Will continue to be grandfathered in until 7th grade, when they will be required to have a medical exemption that that complies with the SB276 criteria.

7th grade – Will need a medical exemption issued after January 1, 2021 that complies with the SB276 criteria.

8th through 12th grade with an existing medical exemption on file dated prior to January 1, 2020 - Will be grandfathered in until end of 12th grade.



Medical Exemption Criteria Defined

Important Note: DO NOT submit any medical exemptions dated 2020 or before to any electronic or other database. If you have a medical exemption on file or put one on file before January 1, 2021, file a notarized privacy notice with it (<https://www.avoiceforchoiceadvocacy.org/wp-content/uploads/2016/06/Objection-to-Disclosure-of-Student-Records.pdf>)

SB277 Medical exemption criteria (per CDPH <https://www.shotsforschool.org/laws/exemptions/>)

Medical exemptions, under SB277 are at the discretion of the physician (MD or DO), and can be given if they determine the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, including, but not limited to, family medical history.

Medical exemptions filed before July 1, 2019 must consist of a written statement from a licensed physician (MD or DO) which states:

- That the physical condition or medical circumstances of the child are such that the required immunization(s) is not indicated
- Which vaccines are being exempted
- Whether the medical exemption is permanent or temporary.
- The expiration date, if the exemption is temporary.

Medical exemptions filed July 1, 2019 to December 1, 2020 must consist of a signed, written statement from a physician (MD or DO) licensed in California which states:

- The specific nature of the physical condition or medical circumstance of the child for which a licensed physician does not recommend immunization.
- Each specific required vaccine that is being exempted.
- Whether the medical exemption is permanent or temporary.
- If the exemption is temporary, an expiration date no more than 12 calendar months from the date of signing.

Note: If the medical exemption is written by a physician who has been subject to disciplinary action by the Medical Board or the Osteopathic Medical Board of California, then the exemption will be revoked. Your physician's primary status should be active and their secondary status should be N/A (<https://search.dca.ca.gov/?BD=800&TP=8002>).

Medical exemption criteria (continued)

SB276 Medical exemption criteria (per statute)

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB276

Medical exemptions filed after January 1, 2021, under SB276/SB714 must meet CDC, ACIP, or AAP criteria for appropriate medical exemptions. Note: These do not exist. Only CDC, ACIP, or AAP vaccination guidelines (<https://www.cdc.gov/vaccines/vpd/should-not-vacc.html>) exist. Therefore either CDPH will use the guidelines or one of these organizations will create medical exemption criteria before January 1, 2021. If information other than what is included in the vaccination guidelines is used, it is at the medical discretion of the CDPH staff member whether or not they accept a medical exemption that is based on other contraindications or precautions, including consideration of family medical history, if the issuing physician and surgeon provides written documentation to support the medical exemption that is consistent with the relevant standard of care.

Medical exemptions filed after January 1, 2021 must be transmitted directly to the department's California Immunization Registry (CAIR) by a physician (MD or DO) licensed in California using the electronic, standardized, statewide medical exemption certification form. The form should be printed, signed, and submitted directly to the school or institution at which the child will attend, submitted directly to the governing authority of the school or institution, or submitted to that governing authority through the CAIR where applicable. The form will include:

- The name, California medical license number, business address, and telephone number of the physician and surgeon who issued the medical exemption, and of the primary care physician of the child, if different from the physician and surgeon who issued the medical exemption.
- The name of the child for whom the exemption is sought, the name and address of the child's parent or guardian, and the name and address of the child's school or other institution.
- A statement certifying that the physician and surgeon has conducted a physical examination and evaluation of the child consistent with the relevant standard of care and complied with all applicable requirements of this section.
- Whether the physician and surgeon who issued the medical exemption is the child's primary care physician. If the issuing physician and surgeon is not the child's primary care physician, the issuing physician and surgeon shall also provide an explanation as to why the issuing physician and not the primary care physician is filling out the medical exemption form.
- How long the physician and surgeon has been treating the child.
- A description of the medical basis for which the exemption for each individual immunization is sought. Each specific immunization shall be listed separately and space on the form shall be provided to allow for the inclusion of descriptive information for each immunization.
- Whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire. A temporary exemption shall not exceed one year. All medical exemptions shall not extend beyond the grade span (i.e. will need to be renewed at TK/Kindergarten and 7th grade).
- An authorization for the department to contact the issuing physician and surgeon for purposes of this section and for the release of records related to the medical exemption to the department, the Medical Board of California, and the Osteopathic Medical Board of California.
- A certification by the issuing physician and surgeon that the statements and information contained in the form are true, accurate, and complete.



What Medical Exemption be reviewed?

There are two triggers that will cause your child's medical exemption to be reviewed, with the possible result in revocation.

School trigger: If a child care/nursery/preschool or school reports an overall vaccination rate of less than 95% or if they do not report at all, all Medical exemptions from that school will be reviewed, regardless of doctor. **You can view your schools Average Vaccination rate here:**

<https://www.shotsforschool.org/k-12/how-doing/>

Physician trigger: If a physician writes 5 or more medical exemptions in a year, all their medical exemptions will be reviewed, regardless of school.