



**A VOICE FOR CHOICE
ADVOCACY**

**Comments with regard to
DHP-11-004 Immunization Regulations**

April 24, 2017

Dear California Department of Public Health and Office of Regulations,

Per the Notice of Proposed Rulemaking for DHP-11-004 Immunization Regulations, the California Department of Public Health proposes to amend the regulation sections identified under the authority provided in sections 120330, 120335 and 131200 of the Health and Safety code, in order to update the regulations in order to be consistent with: AB354 amendments, AB2109 requirements, SB277 requirements and the age and vaccine dose recommendations of ACIP, AAP and AAFP.

A Voice for Choice Advocacy has the following comments:

With respect to the Notice of Proposed Rulemaking

Fiscal Impact Estimates – Cost Impacts on Representative Person or Business

AVFCA Comment: This section indicates that there should be no additional costs for private persons because of these proposed regulations. This is an incorrect statement. There are parents all over the state who have decided to homeschool because of SB277. This is a financial burden on those parents because they are no longer able to work because they are now bound to homeschool their children if they choose not to vaccinate them.

Significant Statewide adverse economic impact directly affecting Business, including the ability to compete AND Results of the Economic Impact Assessment

AVFCA Comment: These two sections indicate that the department has determined that the proposed regulations will have no significant economic impact on California businesses and that they would not significantly affect the creation or elimination of jobs, or the creation or elimination of businesses. A Voice for Choice Advocacy knows of a number of parents who are small and large business owners who have moved their families out of California due to SB277. This fiscal impact should be assessed and calculated prior to the department making this false claim.

With respect to Proposed Revised Regulations

§6000 Definitions and Abbreviations: (f) “Licensed Physician” means either of the following:

- (1) A physician or surgeon licensed pursuant to Section 2050 of the Business and Professions Code
- (2) An osteopathic physician and surgeon, as defined in the Osteopathic Initiative Act.

AVFCA Comment: This indicates that the Licensed Physician must be licensed in the State of California. Nowhere in SB277 does it state this. It would be unfair on families moving to California to impose this on them either for immunizations or for exemptions, if they had been seen and had a history with an out of state doctor. This needs to be changed to add “or equivalent out of state licensing”

§6000 Definitions and Abbreviations (i) “Pupil” means a person admitted to or seeking admission to any school or pre-kindergarten facility.

AVFCA Comment: The use of the words “any school” implies that it would include children who are homeschooled under a Private School Agreement (PSA). These pupils are excluded from SB277 requirements, which is not

§6000 Definitions and Abbreviations

AVFCA Comment: There is no definition of “school” which is used throughout the regulations, but is not clear if this refers to K-12, private vs. public, homeschool, etc. We request a definition to be provided that is accurate in consideration with the rest of the regulations (noting that Homeschooled children are exempt)

§6025 Unconditional Admission (a) (1) in accordance with sections 6065 and 6070 regardless of exemptions to other vaccines

AVFCA Comment: The “regardless of exemptions to other vaccines” does not make sense here and should be removed.

§6025 Unconditional Admission (c) (Table B) 7th Grade Advancement: 2 Varicella **with footnote 9**. The varicella requirement for 7th grade advancement expires after June 30, 2024

AVFCA Comment: Nowhere in CA statute does it state that Varicella is required for advancement to 7th grade, before or after June 30, 2024. Therefore this requirement must be removed.

§6025 Conditional Admission (a) (1) ...The governing authority shall notify the pupil’s parent or guardian of the date(s) by which the pupil must complete all remaining doses in accordance with Table C or D

AVFCA Comment: Add “or obtain a permanent or temporary medical exemption”

§6025 Conditional Admission (a) (2) ...The governing authority shall notify the pupil’s parent or guardian of the date(s) by which the pupil must complete all remaining doses in accordance with Table A

AVFCA Comment: Add “or obtain a permanent or temporary medical exemption”

§6025 Conditional Admission (a) (3) ...The governing authority shall notify the pupil’s parent or guardian of the date by which the parent or guardian must provide documentation of receipt of the immunizations included in the temporary medical exemption.

AVFCA Comment: Make consistent with (1) and (2) to read “The governing authority shall notify the pupil’s parent or guardian of the date(s) by which the pupil must complete the remaining doses included in the temporary medical exemption.” “ Also add “or obtain a permanent or additional temporary medical exemption”. Also we would expect these three sections to have similar wording.

§6025 Conditional Admission (d) (1) For a pupil transferring into a school in California from another school in the United States....

AVFCA Comment: This should be specific to a pupil transferring into a CA school from a school outside of CA. If they are transferring within CA schools then SB277 provides 1-6 grade and 8-12 grade pupils to be grandfathered in if they have a PBE.

§6040 Requirements for Continued Attendance of Pupils Already Admitted (a) (2) The pupil shall continue in attendance only if the parent or guardian provides documented receipt of such does within the time period designated by the governing authority

AVFCA Comment: Add “or obtain a permanent or temporary medical exemption”

§6040 Requirements for Continued Attendance of Pupils Already Admitted (b) The parent or guardian shall submit documentary proof of required 7th grade immunizations to the governing authority prior to first 7th grade attendance.

AVFCA Comment: Add “or obtain a permanent or temporary medical exemption”

§6045 Special Immunization Schedules - General

AVFCA Comment: Add a contingency that medical exemptions on file will be honored at all times during a period of special immunization schedules

§6050 Conditional Admission with Temporary Medical Exemption (d) A temporary medical exemption shall not exceed twelve calendar months from the date of the statement

AVFCA Comment: This should be at the discretion of the physician and not determined by regulations. This section should be taken out.

§6065 Documentary Proof (c) When the pupil's immunization record is not available, the pupil shall not be admitted conditionally or otherwise, until the pupil has commenced receiving doses of all required vaccines in accordance with section 6035

AVFCA Comment: "vaccines" should be change to "immunizations" to be consistent with the rest of the regulations. Also this section is incongruent with §6040 (a) which states that the parents or guardian will be notified and given 10 days to start with the vaccinations. This section should be updated to reflect that. If the child does have to stay out of school then truancy and alternative schooling needs to be addressed here.

§6070 Recording of Immunization information by California Schools and Pre-Kindergarten Facilities (b)

The immunization information shall include the following elements:...

AVFCA Comment: This is an extensive amount of information that the schools must transcribe to create an immunization information form for each pupil. This is significantly more work than what was previously required which was just a review of the immunization card and a note as to whether it complied and an aggregate count of compliance which was submitted to CDPH. This is overburdensome to schools and should be changed back to what it was previously (what is struck in this section). There are also privacy issues with this information being summarized in a pupil's records as all staff can access this file.

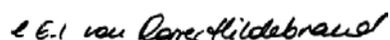
General Omissions: There are two omissions which have been made that MUST be addressed in the regulations:

- **Homeschooling.** There is no reference to homeschooling and the fact that if a pupil is homeschooled they are exempt from this statute and regulations. An exemption for homeschoolers MUST be added.
- **Pupil with IEP.** There is no reference that a pupil with an IEP is exempt from this statute and regulations. An exemption for pupils with an IEP MUST be added.

We strongly urge you to make ALL the requested changes to these proposed regulations.

Thank you for your time and consideration.

Sincerely,



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Giving issues a voice, A Voice for Choice Advocacy 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.