



May 2, 2012

Dear Honorable Members of the Assembly Appropriations Committee,

AB2109, scheduled for a hearing in the Assembly Appropriations Committee on May 2nd, should be added to the Suspense File and ultimately opposed because of the excessive and unnecessary expenses to the state of California. The National Vaccine Information Center opposes AB2109 and is listed as an opposing organization with the Assembly Health Committee.¹

AB2109 would require on and after July 1, 2013, the current California School Immunization Record and Exemption form² to be accompanied by a form prescribed by the State Department of Public Health that includes a written statement signed by a health care practitioner, as defined, that indicates that the health care practitioner provided the parent or guardian of the person, with information regarding the benefits and risks of the immunization and the health risks of specified communicable diseases. The bill would also require, if the person was admitted to the school prior to entering the 7th grade and is about to enter the 7th grade, an additional letter or affidavit to be filed with the form. The bill would also require the form to include a written statement by the parent or guardian that indicates that he or she received the information from the health care practitioner.³

All of the above new mandates have significant cost implications to the state that should cause the committee to immediately place this bill in the suspense file and to ultimately reject it when it comes up for review.

AB2109 will cost schools a tremendous amount of money through both increased administrative costs and loss in revenue from students unable to attend school who are out of compliance with the new requirements. This is significant because the California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.⁴ Among these reimbursable costs are the administrative cost burdens on schools to ensure compliance with the new mandates imposed by AB2109 requiring a medical provider visit and a new form. This past year, school districts lost millions of dollars trying to enforce another mandate requiring the same two items as AB2109: a medical provider visit and a new form to comply with the new 7th grade Tdap vaccine mandate⁵. Regarding the administrative costs, in one school district alone a claim was filed with the Commission on State Mandates to reimburse \$25,000 in administrative expenses to ensure compliance with Tdap mandate⁶ and there are over 1000 school districts.⁷ Regarding the loss in revenue to schools supplied by federal tax dollars for attendance, the Capitol Weekly reported in an article entitled "Schools lose money in wake of pertussis vaccine problems" that "cash-strapped school districts may not have any recourse but to absorb what could add up to millions in lost revenue caused by the absence of thousands of students who were sent home from school last week for not having proper vaccinations." Making the exemption dependent on a medical provider visit and signature on a new form would put up a significant enough barrier to produce a similar effect making currently complying exempting families out of compliance with their outdated exemption and unable to attend school. The Assembly Health Committee heard from many families during the hearing on April 17th that they are unable to find a doctor willing to see them because they don't fully vaccinate, so it is not unreasonable to see that many students who are currently utilizing the personal belief exemption will be barred from attending school for failure to be able to comply with the new mandates.

Another significant cost to the state that has not even been acknowledged by the bill author, is the cost of the claims that will be filed under all of the state supportive health plans to pay for all the additional medical office visits of children of state and local government employees and teachers to comply with this bill. CalPERS provides benefits to more than 1.6 million public employees⁸ and CalSTRS provides benefits to more than 850,000 teachers.⁹ Even if a small percentage of these beneficiaries had to make an additional medical office visit for their child to comply with AB2109, the cost of reimbursing claims could be significant and have not been considered to date in the fiscal analysis of this bill.

Additionally, all families whose children are beneficiaries under Medi-Cal who utilize a personal belief exemption would be required to have an additional new medical visit that would have to be paid for by the state so the family could be compliant and their child could still attend school. However, it should be noted that the extra burden on families that are already cash strapped to leave work for additional medical visits and incur additional travel expenses could add enough barriers that it is conceivable that compliance may not happen for some children who will be barred from school causing a cascading set of problems for these low-income families.

Basing estimates of expenses on these factors alone, the National Vaccine Information Center suggests confidently that the real expenses incurred by the state far exceed the \$150,000 cap requirement to move the bill to the suspense file.

Thank you for your consideration, and please don't hesitate to contact us directly if you have any questions or need additional information.

Sincerely,



Dawn Richardson
Director of Advocacy, National Vaccine Information Center
dawn@NVICAdvocacy.org
<http://NVIC.org>

¹ http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_2101-2150/ab_2109_cfa_20120413_191753_asm_comm.html

² <http://www.cdph.ca.gov/pubsforms/forms/CtrlDForms/pm286b.pdf>

³ http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_2101-2150/ab_2109_bill_20120423_amended_asm_v98.html

⁴ http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_2101-2150/ab_2109_bill_20120423_amended_asm_v98.html

⁵ <http://www.ca-siis.org/calkidshots/AB354PaperFormPacket.pdf>

⁶ <http://www.csm.ca.gov/pendingclaims/docs/irp/doc1.pdf>

⁷ <http://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp>

⁸ <http://www.calpers.ca.gov/>

⁹ <http://www.calstrs.com/About%20CalSTRS/ataglance.aspx>