

Dr. Richard Pan Introduces SB 276 to Combat Fake Medical Exemptions that Put Children and Communities at Risk

Legislation will protect every student's right to be safe at school by ensuring the medical exemption process is not exploited

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SACRAMENTO – Dr. Richard Pan, a pediatrician and state senator representing the Sacramento region and Assemblywoman Lorena Gonzalez who represents the San Diego area, introduced SB 276 today to strengthen oversight of the medical exemption process which a handful of doctors in the state are abusing by selling medical exemptions to parents.

“Medical exemptions have more than tripled since the passage of SB 277. Some schools are reporting that more than 20 percent of their students have a medical exemption,” said Dr. Richard Pan. “It is clear that a small number of physicians are monetizing their exemption-granting authority and profiting from the sale of medical exemptions.”

“Three years ago, we stepped up our state's vaccination laws to protect students and the entire public from being exposed to potential diseases. Now, we're seeing anti-vaccination parents and a few doctors get around that law by loosely seeking and issuing medical exemptions when families are willing to pay,” Assemblywoman Gonzalez said. “The real cost is a threat to herd immunity and public health. That's why I am co-authoring legislation today with Sen. Pan to say enough is enough,”

To combat the proliferation of fraudulent medical exemptions, Senate Bill 276 will reshape California's process to require state-level public health approval of all exemptions. Senate Bill 276 is co-sponsored by the California Medical Association, the American Academy of Pediatrics, California and Vaccinate California.

Under SB 276, medical exemptions will be granted by the California Department of Public Health (CDPH). Physicians will submit information to CDPH, including the reason for the exemption, the physician's name and license number and they will need to certify that they have examined the patient.

Additionally, under SB 276, CDPH will create and maintain a database of medical exemptions, and CDPH and County Health Officers will have the authority to revoke medical exemptions granted by licensed physicians if they are found to be fraudulent or inconsistent with contraindications to vaccination per CDC guidelines.

As a result of the implementation of Senate Bill 277, which abolished the personal belief exemption in California, overall vaccination rates increased sharply to more than 95 percent statewide. That is greater than the 94 percent

vaccination rate necessary to achieve community immunity to prevent the spread of a measles outbreak.

The increase followed the dramatic increase from 92.9 percent in the 2015-16 school year to 95.6 percent in the 2016-17 school year after implementation of SB 277 in 2016 and a vaccination rate of only 90.7 percent in 2010-11 when Dr. Pan entered the legislature and authored AB 2109. AB 2109 required parents be counseled before they opted for the personal belief exemption to vaccines.

Despite the success of SB 277 in increasing the overall immunization rate of kindergarten students, California has also experienced a dramatic increase in the number of medical exemptions. Since the passage of SB 277, the rate of medical exemptions has more than tripled (from 0.2% in 2015-16 to 0.7% in 2017-18). Low vaccination rates in certain pockets of the state put children and communities at risk.

“Vaccinations save millions of lives every year, and the California Medical Association was proud to stand with Dr. Pan to support SB 276,” said CMA President David H. Aizuss, MD. “This new legislation will close a loophole in the current law that has allowed a small handful of rogue doctors to skirt the spirit of the original law and has put millions of Californians at risk. CMA strongly supports SB 276 and believes that all physicians must do their part to protect the health of children and the public at large.”

“Vaccinating our patients is one of the most important tools pediatricians have to prevent illness and death,” said Kris Calvin of the American Academy of Pediatrics, California. “It is the rare physician who does not take this responsibility to heart, but they put all of us, our children and our communities, at risk. By ensuring medical exemptions to vaccines are reviewed and valid, this bill will protect the health of California’s children and of our larger communities. It is a reasonable and urgently needed measure.”

“Children should be able to go to school without fear of preventable disease,” said Leah Russin, a mother from Palo Alto and co-founder of Vaccinate California. “We rely on the government and the medical community to protect our children, and fear and profit cannot be allowed to undermine our community health.”

The CDC reports that in 2018, 21 people contracted measles in California. So far, in 2019, six people have already contracted measles in the state. Left unchecked, we will continue to see the number of cases and outbreaks rise. A very small percentage of the population, less than 1 percent, suffers from qualifying medical condition, such as a severe allergic reaction to a vaccine component that would lead to the granting of medical exemption.

When measles spreads in a community with immunization rates below 95 percent, the protection provided by ‘community immunity’ is lost. This means many people are at risk of becoming infected including people who cannot be

immunized, including infants, chemotherapy patients and those with HIV or other conditions.

The hesitation to vaccinate on the part of a growing number of parents stems from misinformation such as the now retracted 1998 study that falsified data to purport a link between autism and the measles vaccine. The study was authored by Andrew Wakefield who was later found to be lying. Also, numerous subsequent studies worldwide involving hundreds of thousands of children have proved that vaccines are safe and do not cause autism.

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