



Educate.Advocate.
educateadvocateca.com

May 13, 2019 Senate Appropriations Hearing: SB 276

Mr Chairman and Committee Members,

My name is Shannon Thompson and I am here on behalf of Educate Advocate. Thank you for granting ample time to address the data provided in our fiscal report.

Members have been provided an electronic and physical copy of the appropriations report prepared by Educate Advocate and I refer you to this report for additional detail regarding the fiscal impact of SB 276. As a non-profit organization serving students and families with exceptional needs, we urge you to move this bill to suspense today and vote that it remain in suspense when it comes to your attention later this week.

SB 276 purports to provide a solution to the apparent increase in medical exemptions and current measles outbreak by abrogating a physician's discretion to issue medical exemptions. Instead, entrusting a public health officer to ascertain eligibility by comparing a standardized request form against narrowly construed CDC contraindications and precautions, a process void of any physical exam or medical record review of the patient.

In our analysis of the fiscal impact SB 276 imparts on the state of California, we must determine the cogency of the broad points at issue and measure the financial exposure relative to commensurate benefit.

Medical Exemption Database

The bill proposes exorbitant solutions, including a medical exemption database, which requires a varied landscape of end users from schools to physicians and public health officers, as well as retention of medical records, which contain personally identifiable health information of patients.

Thus, imparting complex and costly layers of legal requirements to ensure adherence to HIPAA, FERPA and the California Confidentiality of Medical Information Act (CMIA), as well as various civil rights and education laws, such as the ADA, California Civil Rights Act, the federal Individuals with Disabilities Act (IDEA) and the Rehabilitation Act of 1973.

We estimate the immediate **cost of the database** to be **\$9M annually**. This includes initial cost of creation, implementation, maintenance, retention of personal health records and personnel, as well as an unknown cost attributed to CDPH attorneys promulgating regulations and appeals.

Local Educational Agencies

Of additional importance is the unknown cost to local school districts, to the extent that student enrollment continues to decline and litigation based on patient or student confidentiality and discrimination are successfully brought forth, which costs districts an estimated \$15K - \$150K per case, which can include compensatory damages and attorneys' fees.



Educate.Advocate.
educateadvocateca.com

In restricting the criteria of medical exemptions, we can anticipate a percentage of students who will be excluded from attendance, thus **impacting the average daily attendance revenue** to the upwards of **\$439M within the first year**.

This is a decrease in funds that our local control funding formula cannot compensate for, already grappling with year after year decline in enrollment, **putting downward pressure on Proposition 98's minimum guarantee**.

Indeed, we can look to Sacramento City Unified school district as an example of the poor fiscal health and declining enrollment of our public schools, as Senator Pan noted in his April 10th mailing, indicating their immediate risk of state takeover.

Public Health Funding

Governor Newsom's January budget proposal recommends a **15% diversion of health realignment funding** to support his initiatives, which translates to a **50% cut in realignment support to public health** in some counties, including Sacramento.

The Department of Public Health's General Fund **decreased 4%** in the last year and saw **excess cuts to local assistance programs in the upwards of 77%**.

As Senator Pan highlights the cost associated with treating adults acquiring measles (33 of the 44 current infections in California are adults aged 18 years and older), we are implored to compare the current outbreak costs and budgetary decline relative to fiscal requirements of SB 276 on the Department of Public Health.

Medical Board

Since 2016, there have been 153 investigations into physicians potentially writing medical exemptions, resulting in a single action, not related to medical exemptions, but a personal opinion letter regarding a patient involved in a custody dispute.

We cannot continue to allow the red herring of "fraudulent exemptions" to exert financial pressure on our state medical board resources.

Closing

I urge the committee to consider the extensive financial implication of SB 276 to our state departments and public schools and move to prohibit SB 276 from becoming the rubicon for costly public health policy.

I ask this on behalf of the less than 1% of all California students who have medical exemptions, many of whom are on delayed immunization schedules, have positive serological titer results conferring immunity and temporary exemptions from live virus vaccines, such as the MMR, due to immunosuppressive medication or treatments.

In closing, I respectfully ask that you move this exorbitant bill to suspense today and that when it comes before you later this week, you again vote to retain it in suspense.