

# SB 277: California's New School Vaccine Law

## What physicians need to know

*This document was jointly produced by the California Medical Association, the American Academy of Pediatrics, California and the California Academy of Family Physicians.*

On June 30, 2015, California Governor Jerry Brown signed Senate Bill 277 into law. SB 277 removes the personal belief exemption (PBE) from school vaccination requirements and allows exemptions only for medical reasons. The SB 277 immunization requirements apply to students first admitted to school, child care or entering seventh grade starting in 2016.

Answers to the commonly asked questions related to the recent passage of Senate Bill 277 are found in the document below. This information does not constitute, and is no substitute for, legal or other professional advice. Physician offices should consult their personal attorneys or professional advisors for specific guidance on their compliance with SB 277.

*Note: In this document you will find references to CMA On-Call documents. These documents are available free to members in the California Medical Association (CMA) online health law library at <http://www.cmanet.org/cma-on-call>. Nonmembers can purchase documents for \$2/page.*

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### Frequently Asked Questions about SB 277

#### 1. When do children need to be vaccinated?

Starting in 2016, children will need the appropriate vaccinations or have a medical exemption prior to enrolling in public or private elementary or secondary schools, child care centers, day nurseries, nursery schools, family day care homes or development centers.

SB 277 does not, however, require immunizations for children who participate in home-based private schools and independent study programs that do not require classroom-based instruction, nor does it prevent those in individualized education programs from accessing necessary special education or related services. Physicians can find immunization schedules for the appropriate age ranges on the California Department of Public Health (CDPH) website [Shots for Schools](#).

#### 2. Can physicians sign personal belief exemptions (PBEs) after January 1, 2016?

As of January 1, 2016, the law pertaining to PBEs and the AB 2109 form is repealed and schools will no longer accept PBE forms on or after that date.

#### 3. If the sibling of my patient has reported adverse reactions to vaccines, am I required to provide that patient with a medical exemption?

Medical exemption determinations are at the discretion of the licensed physician. SB 277 clarified that "family medical history" may be considered in making the determination, but there is no specific provision in the law that mandates a medical exemption based on family medical history.

#### 4. What must be a part of the written statement for a medical exemption?

A written statement providing a medical exemption for a patient should state that, due to the physical condition or medical circumstances related to the child, immunizations are not considered safe for that child. The statement should also indicate the general nature (e.g. immunodeficiency, prior adverse reactions including allergy, medication that requires delay in vaccination) and probable duration of the medical condition for which the physician does not recommend immunization. It should also include the vaccines from which the child is exempted.

Physicians should keep in mind that a physician must make reasonable efforts to limit use or disclosure of protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure or request. (45 C.F.R. §164.502(b) (1).) For more information on minimum necessary disclosure, see CMA On-Call document # 4101, "[HIPAA Privacy Rule](#)."

#### 5. Does SB 277 affect existing personal belief exemptions?

If a personal belief exemption has been submitted prior to January 1, 2016, a child will be allowed to remain enrolled until entry in the next grade span.

These grade spans are defined as:

- Birth to Preschool.
- Kindergarten and grades 1 to 6, including transitional kindergarten.
- Grades 7 to 12, inclusive.

#### 6. Can students take PBEs with them when they switch schools?

Students who have a PBE on file before January 1, 2016, may take it with them if they switch schools until they enter a new grade span (see question #5).

#### 7. Will a personal belief exemption from another state or country be valid if the student enrolls in a California school?

No.

#### 8. If a student has a conditional admission, where the student is allowed to attend school while they catch up on one or more immunization, can the physician decide what the catch-up schedule will be or is there a specifically required catch-up schedule?

California Department of Public Health (CDPH) does have a conditional admission immunization schedule for schools that lays out a catch-up schedule when children are conditionally admitted, but are not fully immunized prior to admission. Physicians can find information on conditional admission and related immunization schedules at <http://www.shotsforschool.org/laws/conditional-admission>. However, physicians always have the discretion to adjust the schedule based on the particular patient's needs and the physician's professional judgment.

#### 9. Can a physician be held liable for providing—or not providing—a child with a medical exemption from vaccination requirements?

SB 277 does not alter current law regarding physician liability for medical exemptions from vaccine requirements—no applicable provisions protect a physician from liability for providing or not providing a medical exemption. Physicians must continue to exercise their professional judgment in providing or not providing any medical exemption from the vaccination requirements to ensure that it falls within the standard of care.

#### 10. What do I do if a parent or guardian terminates the physician-patient relationship as a result of my decision not to provide a medical exemption?

When a patient expressly discharges you, you should follow up with a letter:

1. Confirming that the patient has terminated the relationship;
2. Emphasizing the need for follow-up care; and
3. Where possible, referring the patient to other sources of care.

For more information on the termination of the physician-patient relationship, see CMA On-Call document #3503, "[Termination of the Physician-Patient Relationship](#)."

## 11. For which diseases is vaccination required?

When medical exemption is not provided, SB 277 requires vaccinations for:

- Diphtheria
- Haemophilus influenzae type b
- Measles\*
- Mumps\*
- Pertussis (whooping cough)
- Poliomyelitis
- Rubella\*
- Tetanus
- Hepatitis B
- Varicella (chickenpox)\*

*(\* Indicates vaccines are not needed if the patient has proof of immunity (e.g., serology or in some cases physician diagnosis).)*

The law also allows CDPH to include additional vaccinations it deems appropriate; however, the law allows for personal belief exemptions if the vaccinations are added to the list above by CDPH.

## 12. Is the adult immunization schedule also mandated?

No. There is no mandate for all adults to be immunized. However, effective September 1, 2016, Senate Bill 792 will prohibit individuals from being employed or volunteering at a day care center or a family day care home if they have not been immunized against influenza, pertussis and measles.

## 13. What are some resources related to school-mandated vaccinations?

- The Center for Disease Control and Prevention (CDC)'s Vaccine website (<http://www.cdc.gov/vaccines>) contains valuable information on vaccine schedules, recommendations and patient education materials.
- The CDC's Chart of Contraindications and Precautions to Commonly Used Vaccines can be found at <http://www.cdc.gov/vaccines/recs/vac-admin/contraindications-vacc.htm>.
- The American Academy of Pediatrics Immunization website contains policy guidelines, communication tools and parent resources at <http://www2.aap.org/immunization/pediatricians/pediatricians.html>.
- The California Department of Public Health's Immunization Branch website ([https://www.cdph.ca.gov/programs/immunize/Pages/default\\_old.aspx](https://www.cdph.ca.gov/programs/immunize/Pages/default_old.aspx)) contains information on state immunization rates, updates, training, brochures and flyers related to immunizations.
- The California Department of Public Health's Shots for School website (<http://www.shotsforschool.org>) contains the latest updates on California's school immunization requirements, information on school immunization rates, and links to the laws and regulations related to school immunization.
- The California Department of Public Health's Senate Bill 277 Frequently Asked Questions at <http://www.cdph.ca.gov/programs/immunize/Pages/Default.aspx>.
- American Academy of Pediatrics, California can be reached by contacting Kris Calvin at [kcalvin@aap.net](mailto:kcalvin@aap.net) or (626) 796-1632.
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