

FINAL STATEMENT OF REASONS

The information contained in the Initial Statement of Reasons (ISOR) at the time of Public Notice remains unchanged with the exception of the following modifications.

Section 6075 of the regulation text has been amended to reflect the adoption of a new reporting form and the repeal of an obsolete form.

This new form, Pertussis Booster Immunization Assessment of Seventh Grade Students, CDPH 8259 (9/11), which is incorporated by reference, will be used by schools to report the pertussis booster status of their enrolled 7th grade pupils starting in the 2012-2013 school year.

The STD 399 and Cost Estimating Methodology (CEM) were amended to include the fiscal impact of the ongoing 7th grade requirement. At the time of the revision, data which was previously unavailable, was used to revise the figures for the 7th through 12th grade pertussis booster requirement, as well.

Added to the rulemaking file are the following documents relied upon in the preparation of the revised STD 399, CEM and related fiscal analysis:

1. "State of California, Department of Finance, California Public K-12 Graded Enrollment and High School Graduate Projections by County, 2010 Series, California, February 2011"
2. "California Private Schools Kindergarten through Grade Twelve Enrollment and Staff Report 2008-09"
3. "Office of State Controller, State Mandated Costs Claiming Instructions No. 2003-18, Immunization Records: Hepatitis B, October 6, 2003, Revised July 1, 2011"

Use of PBE Form

As stated in the ISOR, the Department offers a new form [CDPH 8261(03/11)] to allow the pupil's parent/guardian to request a pupil's personal beliefs exemption (PBE) from the new pertussis vaccine requirement. The new form [CDPH 8261(03/11)] has been adapted from and is consistent with the California School Immunization Record (PM 286), used exclusively by California schools to record pupil immunization records for over 30 years. Just like the PM 286, the new PBE form [CDPH 8261(03/11)] is used exclusively by schools with instructions that it is not to be sent home. Parents or guardians who are unable to complete the new PBE form at school retain the option of submitting a letter or affidavit to the school requesting a PBE for the pupil. The documentation of the exemption from the new pertussis booster requirement is kept in the pupil's permanent record.

Clarifying Statement for Emergency Readoption

The 15-Day comment period mentioned in the clarifying statement for the emergency readoption was incorrectly stated as November 5, 2011, through November 20, 2011. The correct dates of the 15-Day comment period were December 5, 2011, through December 21, 2011.

Amended Reporting Requirement

These emergency regulations added an ongoing reporting requirement for schools with a 7th grade, to provide data on pertussis immunization to the California Department of Public Health. The Department finds that it is necessary for the protection of the health, safety, or welfare of the people of the State of California that the regulation applies to businesses.

Alternatives Determination

The Department has determined that no reasonable alternatives considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the emergency action is proposed, or would be as effective as and less burdensome to affected private persons than the emergency action.

Imposition of Local Mandate

The Department has determined that the regulations would impose a mandate on local agencies or school districts. There may be costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code. These regulations do impose a mandate on schools. Schools may be reimbursed if the Commission on State Mandates determines that this is a reimbursable state mandated cost. This cost is determined by the Commission.

Impact on Business

The Department has determined that the regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Public Comments

Comments received during the 45-Day Comment period, July 1, 2011 through August 15, 2011:

This regulation (DPH-09-004E) was made available to the public on July 1, 2011, and ended at 5:00 pm on August 15, 2011. A request for a public hearing was not received and, thus, no public hearing was held.

The written proceeding produced one comment from the following individual:

Haini Wolfgramm, Chief Administrator/Principal, Orange Grove Academy

Comment & Response

This commenter notified the California Department of Public Health that because of medical reasons and “personal beliefs that are contrary to administering the said vaccine” his educational institution would not require students to be immunized.

Response: This comment is outside the scope of the rulemaking.

Comments received during the 15-Day Comment period, December 5, 2011 through December 21, 2011:

CDPH has complied with the requirements of section 44 of Title 1 of the California Code of Regulations. The notice and text were e-mailed on December 5, 2011 to the commenter, and posted on the CDPH website. The public availability period began December 5, 2011, and ended December 21, 2011. CDPH did not receive any comments on the modified text during the availability period.