Revised CA vaccine bill would revoke exemptions from infamous anti-vax doc

Enlarge / Dr. Robert Sears examines 2-month-old twins. Sears is among the doctors who have been found to have issued fraudulent medical vaccination exemptions.

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Hundreds of dubious medical exemptions handed out by California's infamous anti-vaccine pediatrician, Dr. Robert Sears, would be revoked under fresh amendments to a state bill designed to boost vaccination rates.

The bill's author, state Senator (and MD) Richard Pan (D-Sacramento), came to an agreement on the amendments late last week with California Gov. Gavin Newsom.

The bill, SB 276, aims to crack down on bogus medical exemptions, which surged in the wake of the state's 2015 law eliminating vaccine exemptions based on personal and religious beliefs. Dr. Pan was prompted to author the bill after discovering that some "unscrupulous" doctors had been exempting children from vaccine requirements based on questionable or outright sham medical reasons—sometimes for hefty fees. The exemptions left some communities under-protected from vaccine-preventable illnesses.

As originally written, SB 276 would require doctors in the

state to use only federally-accepted criteria for issuing the exemptions and install state oversight of the exemptions and the doctors who issue them. State health officials would have the power to revoke exemptions found to be fraudulent.

SB 276 has already passed the Legislature. But Gov. Newsom requested changes before signing it into law. Under last week's agreement with Pan, Newsom agreed to sign the bill once the amendments are approved by lawmakers under a separate bill, SB 714, which requires approval by September 13. Lawmakers have already said that they support the amendments, according to the Los Angeles Times.

In a statement, Pan wrote:

> *As the latest measles outbreak threatens the country's elimination status, California acted to keep children safe at school by abolishing non-medical exemptions. Unfortunately, a few unscrupulous physicians are selling inappropriate medical exemptions, and we need SB276 stop the corruption of medical exemptions that endanger children. I appreciate the governor's commitment to sign SB 276 with amendments contained in SB 714 that we both agree upon to ensure we maintain the community immunity needed to protect our kids.*

"Perfectly satisfied"

Some of Newsom's requested changes appeared to weaken the bill, including his proposal to remove SB 276's requirement that doctors swear under penalty of perjury that they're not charging fees for exemptions. Newsom also pushed to grandfather in all current medical exemptions, which some feared could lead to a rush in exemptions before the law came into effect.

But the amendment in SB 714 comes with the catch that any existing exemptions would need to be renewed when a child

changes school or enters kindergarten or 7th grade. Thus, existing medical exemptions would no longer be considered permanent.

Another catch is that SB 714 would invalidate any medical exemptions written by a doctor who has been disciplined by the state medical board for any reason. That includes Sears, the only doctor in the state so far to be disciplined over improperly issuing vaccine exemptions specifically.

Dr. Sears—who is infamous for stoking vaccine fears among parents, coming up with "alternative" vaccine schedules, and catering to anti-vaccine parents—is on a 35-month probation period for gross negligence in the case of a two-year-old patient. Sears issued the young patient a vaccine exemption without reviewing the child's medical records, and he also failed to provide standard testing after the child suffered a head injury.

Sears told the Times that "the hundreds of patients I've written exemptions for over the past four years after having a severe vaccine reaction will lose their exemptions." He went on to call the amendment a "broad overreach from a government that is supposed to protect its medically fragile children."

Medical groups and vaccine proponents meanwhile supported SB 276 and its amendments, saying they would protect medically fragile children.

"We are perfectly satisfied that this bill will satisfy its objective of making sure that bogus medical exemptions are uncovered… while protecting valid medical exemptions," Kris Calvin, chief executive of American Academy of Pediatrics, California, told the Associated Press.

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