

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Wednesday, January 30, 2013

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Heider, Vice Chairman Nuxoll, Senators Lodge, Hagedorn, Guthrie, Martin, Lakey, Bock and Schmidt

**ABSENT/  
EXCUSED:**

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Heider** convened the meeting at 3:02 p.m.

**Chairman Heider** said the committee would start its meeting by hearing a presentation on **S 1012** by Dr. Christine Hahn, medical director of the Idaho Division of Public Health in the Department of Health and Welfare. **Chairman Heider** said before the committee makes a motion, members would hear public testimony immediately following Dr. Hahn's presentation.

**S 1012**

**Dr. Hahn** introduced herself to the committee and gave background relating to **Senate Bill 1012**, regarding the immunization registry, which amends Idaho Code § 39-4803. **Dr. Hahn** said Idaho's immunization registry, known as IRIS, was established by the legislature in 1999 as a voluntary registry of the immunization status of participants. IRIS is a secure, web-based system that allows participating doctors and other medical providers to access the immunization records of their patients who have not chosen to opt-out. The system avoids unnecessary duplication of vaccines and allows medical providers to identify their patients who are due for immunizations and send them reminders. IRIS also makes school and day care enrollment easier for parents, while not limiting parents' rights to choose to exempt their children from any of the required vaccines. These exemptions are permitted for medical, religious or philosophical reasons. In 2010, the legislature changed IRIS to an opt-out registry, meaning that Idaho residents are included unless they notify us that they do not wish themselves or their child to be included. This process is in place and currently 185 Idaho residents have opted out of IRIS. **Dr. Hahn** said the bill proposes four changes to the registry. (See Attachment 1 for presentation speech.)

**Senator Schmidt** asked to run through a scenario: a child is given an immunization and entered in the registry, and now custody changes. New parents are now in charge of this child that do not want the information in the registry. Can that information be removed according to their wishes? **Dr. Hahn** replied that yes, currently what would happen is that a one-page form needs to be filled out that has basic information on the child's name, birth date and address, and once that form was filled out, all immunization information would be removed. She furthered that the child's name could also be removed, but then there would be no guarantee the next time that child got a shot from another doctor, the name would go right back into the registry, and that is why it is preferred to keep the child's name in the registry, with no immunization information, so that adding information would be blocked.

**Vice Chairman Nuxoll** asked what is kept in the registry even if a person opts-out? **Dr. Hahn** replied that all information except the name and date of birth would be removed for the purpose of blocking any new information coming in. Depending on the outcome of the hearing today, the child's name could be removed as well, but then we couldn't guarantee any new information would be blocked. **Vice Chairman Nuxoll** wanted clarification that the only reason for keeping the name and date of birth is to prevent information from accidentally being added, is that correct? **Dr. Hahn** replied that it was correct, there is no ability to run a report on who has opted out, we have no interest in doing so, but need the name and date of birth to block any information from going in. Without the name, there would be no way of knowing a person had opted out the next time they receive an immunization. **Vice Chairman Nuxoll** asked if that was the case, and someone really wanted to look at it, would there be a way to see people who opted out, would they be picked out as not those choosing not to immunize? **Dr. Hahn** replied that would not be the case. It is not interpreted that when someone opts out, they are doing so because they are choosing not to be immunized, but merely that they do not want their name in the registry. The two scenarios are not equivalent at all. **Vice Chairman Nuxoll** asked if it was just an immunization record, or are there other things? If their name is in there, and they don't have anything, it will be obvious they did not want their record kept. **Dr. Hahn** stated the registry only has immunization information, and no other health information whatsoever. We would just not know about the immunization status, and would not think someone is not immunized, because both immunized and non-immunized people could opt-out.

**Sen. Hagedorn** asked if someone opts-out, is there a way to opt back in? **Dr. Hahn** replied there is a way, the decision is not permanent, and if a person wished to be put in, the information could be unblocked. **Sen. Hagedorn** then asked if a family with a child having his first immunization opted-out initially, would that child's name ever be entered into the database? **Dr. Hahn** advised the committee that currently, the child's name would go in, and we use the birth record to populate the registry at this point. And if a child moves in from out-of-state, a family from out-of-state would fill out our form and say they did not wish to participate. We would prefer to put that child's name and date of birth in to block future immunization information, but never any other health information.

**Sen Guthrie** asked if there is an opportunity for someone to keep all information out. **Dr. Hahn** replied that no health information has been going into the registry, and if the law were rejected, we would find a way to continue to keep the child's name out, although it would be difficult to keep all information out. We would need to continually check and take out any information on future immunizations, and would not be as streamlined. **Sen. Guthrie** then asked that the only way to keep that information, including name and basic things out is to, in fact, have another list that indicates people who do not want any information in there, and at some point will be like the chicken and the egg thing. **Dr. Hahn** replied that they have been discussing other options if the law were to remain unchanged, and we would have to create a list of people that had opted out to keep them out of the registry and use it against a list of opted-out people and use it to check it against the registry to make sure that it is the same thing.

**Sen. Schmidt** asked for clarification that it was mentioned earlier that 185 people had opted out, so you have a sense right now of who is not participating in the opt-out option. **Dr. Hahn** responded yes, we know the number, but we know nothing about those people, because we have no report or list, but only know that they opt-out. We do not have a list of 185 people that is separate from the registry.

**Chairman Heider** asked if you are one of those 185 people, and you go to the doctor and receive a vaccination, would you be back on the list? **Dr. Hahn** responded that currently, if you are a person that opted out, hopefully you would remind your doctor that you opted out. If you chose not to participate in the registry, and your information gets put in manually or by automatic system, up until now, we would block it because we have retained that name for blocking purposes. If the decision of the body is to not change the statute and that we need to take everything out, and leave the name out, then what might happen is that if the provider may have an automatic system or the patient forgets to remind the doctor, that name could end up in there. Our system would not have a way of knowing to reject them.

**TESTIMONY:** **Leslie Manookian** spoke about her concerns on **S 1012**. (See Attachments 3a, 3b, 3c.)

**Thomas Rand, Tom Patterson, Danielle Ahrens, Wayne Hoffman, Pro-Life and Ryan Carson** each gave testimony regarding **S 1012**.

**Chairman Heider** said the bill was before the committee.

**MOTION:** **Senator Bock** motioned to send **S 1012** to the floor of the Senate with a do-pass recommendation. **Senator Martin** seconded to the motion.

**DISCUSSION:** **Vice Chairman Nuxoll** said she had no idea that she and her children were or might be on the IRIS database, and that IRIS was more than just a privacy issue and could be easily abused. **Vice Chairman Nuxoll** said there has been noted controversy regarding immunizations and spoke of a case in Italy where someone was awarded a settlement after their child became autistic. **Vice Chairman Nuxoll** said it is a parent's choice whether or not they want their children to be on a database. Some questions she had about bill: if the committee members are there to make parents' decisions; to make government decisions; for saving doctors money, because they think the doctors know better than the parent what they want to do with their children; or to protect parents' choice. **Vice Chairman Nuxoll** asked how the committee could go against a parent's choice.

**Senator Hagedorn** said he would like to bring committee members' attention to Title 39-4804 which outlines and discusses the notification to a parent or a guardian. **Senator Hagedorn** said he thinks it is important for committee members to have some time to study it and understand what it says because it is applicable to **S 1012** and, in order for the committee members to be able to do that, they need a little bit of time.

**SUBSTITUTE MOTION:** **Senator Hagedorn** made a substitute motion to hold **S 1012** subject to the call of the chair. **Senator Lodge** seconded the substitute motion. The substitute motion was carried by **voice vote**.

**Chairman Heider** said the other items on the agenda would be carried over to a future date, other than the scheduled confirmation hearing.

**CONFIRMATION HEARING:** **Chairman Heider** said the confirmation hearing was for Allen R. Schneider of the Commission for the Blind and Visually Impaired to serve a term commencing July 1, 2012 and expiring July 1, 2015. **Chairman Heider** asked Mr. Schneider to come forward to speak on why he wants to be on the commission and what he expects to accomplish.

**Mr. Schneider** introduced himself and spoke of a degenerative eye disease that he has lived with for the last 30 years, which can cause blindness or extreme loss of vision. After years of dealing with his eye disease, he eventually had to quit his 35 yearlong teaching career (his eyesight has since stabilized for the last three years). **Mr. Schneider** said he got to the point where he felt he was just short of being alone in the world until he ran into the Idaho Commission for the Blind, took their classes and went to their training sessions. **Mr. Schneider** said he had such great respect for the commission, the professionalism, how the clients were treated and for the commission's knowledge, that he decided he wanted to do something to give back. Since then, **Mr. Schneider** said he has started a support group in Emmett. He has also started, and is still working on, a statewide program – through various organizations, such as the Lion's Club and the Idaho Lodging and Restaurant Association – to get large-printed Braille menus in all the restaurants in Idaho. **Mr. Schneider** said he wants to give back and, by serving, he will be giving back.

**Senator Lodge** asked what Mr. Schneider has learned from his time on the commission. **Mr. Schneider** jokingly said he learned that government is a sea of acronyms. **Mr. Schneider** then said, if he had to pick one thing that stood out, it would be meeting people from Idaho centers who have such a passion for helping those who are visually impaired/blind – individuals dedicated to helping people like himself.

**Chairman Heider** said he appreciated Mr. Schneider's willingness to serve on the commission and that the Senate Health and Welfare Committee would make a recommendation at the next scheduled meeting.

**Chairman Heider** asked the members of the committee if there was anything else they would like to discuss. He then recommended that committee members make sure to read through legislation completely in order to fully understand it so as to not get off-track when it comes to, sometimes, the testimony that comes before the committee – which can easily happen.

**ADJOURNED:** There being no further business to come before the committee, **Chairman Heider** adjourned the meeting at 4:38 p.m.

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Senator Heider  
Chairman

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Linda Hamlet  
Secretary