

Jeanne Jackson-Heim

From: enforceidaholaw@use.startmail.com
Sent: Saturday, February 04, 2017 2:52 PM
To: Jeanne Jackson-Heim
Subject: RS 25031 documents

Dear Senate H&W Secretary Jeanne Jackson-Heim,

The following is what I sent to the senators on this committee. It is important that they have in front of them the following documents prior to them voting on RS 25031:

Idaho Attorney General opinion relating to RS 25031 <http://www.vaclib.org/legal/10-14-2015-IdahoAGResponse.pdf>
IDHW's immunization exemption form
http://healthandwelfare.idaho.gov/Portals/0/Health/Immunizations/IIP/School_Exemption_Form_English.pdf

Please make copies of these for their folders for Monday's meeting. Thank you!

+++++

Since 2010, the IDHW has used their rulemaking authority to create an exemption form required by licensed daycares and schools for children whose parents have decided for one reason or another not to follow Idaho's immunization mandates. I have personally contacted multiple legislators on the illegality of their form since it is not in harmony with state statute and, furthermore, compels the parent to sign a form with statements that they do not agree with. At first, we recommended that parents simply put an X across the entire document and affix it to their notarized affidavit, submitting this to the school/daycare. Unfortunately, the governor's office told us that this was not acceptable, that the form could be adjusted with add ons and cross outs but that parents HAD to use this form to be allowed into a licensed daycare or school in Idaho. Furthermore, the Idaho AG told us that the only thing we could do was have the situation corrected by the legislature -- that is YOU. So while it is generally understood that state statutes trump agency's admin. rules, certainly, this is not what is being practised in the state of Idaho. Please note #3 and #4 in the Idaho AG's opinion here <http://www.vaclib.org/legal/10-14-2015-IdahoAGResponse.pdf> Maybe this is one of the reasons Idaho received a D- in 'integrity investigation'. See <https://www.publicintegrity.org/2015/11/09/18377/idaho-gets-d-grade-2015-state-integrity-investigation>

Please remember that RS 25031 has NOTHING to do with being pro-vaccine or anti-vaccine. This proposed bill is about forcing IDHW to follow state law. I have heard countless stories from around the state. Many health departments told parents they were not allowed to alter the document in any way. Why? The reason they were told is that it was a LEGAL document. Precisely my point. You cannot force someone to affix their signature to a form that has statements that are not true and violate a parents rights. Any time you affix your signature to ANYTHING, you are agreeing to the information above your signature. For documentation, see the email correspondence between Mitch Scoggin, manager of Idaho's Immunization Program, and myself at the following link <http://www.vaclib.org/legal/emailcorrespondence.pdf>

Also for reference, here are links to IDHW's forms:

For schools http://healthandwelfare.idaho.gov/Portals/0/Health/Immunizations/IIP/School_Exemption_Form_English.pdf

For daycares http://healthandwelfare.idaho.gov/Portals/0/Health/Immunizations/IIP/Childcare_Exemption_Form_English.pdf

Why this has taken so long and had to rise to the level of hundreds of impacted families is beyond my comprehension. Do you value your job as a legislator? Seriously, what is the point of you passing so many laws when state agencies can violate them through their rulemaking authority? Please think long and hard about your function as a senator and vote YES to pass RS 25031 out of your committee on Monday, February 6, 2017.

In the Spirit of Truth,

Ingri Cassel, District 1 (mad as hell that I was disenfranchised based upon gossip)
P.O. Box 457
Spirit Lake, Idaho 83869
(208) 255-2307