

Measles outbreak shows flaws in California's vaccine law

By Lisa M. Krieger



Boxes of single-dose vials of the measles-mumps-rubella virus vaccine live, or MMR vaccine and ProQuad vaccine are kept frozen inside a freezer at the practice of Dr. Charles Goodman in Northridge, Calif., Thursday, Jan. 29, 2015. Some doctors are adamant about not accepting patients who don't believe in vaccinations, with some saying they don't want to be responsible for someone's death from an illness that was preventable. Others warn that refusing treatment to such people will just send them into the arms of quacks.

DAMIAN DOVARGANES — AP

California's permissive vaccine law is under fire as the state struggles to contain an expanding outbreak of measles, a once-controlled infectious disease that has sickened more than 90 people across the state and threatens many more.

While state law requires parents to immunize their children, easy-to-obtain exemptions leave tens of thousands of schoolchildren unvaccinated. That puts others at risk, experts say.

"It's absolutely infuriating," said Katie Fischl Fuller of Santa Clara, whose 5-month-old twins are vulnerable because they are too young to be vaccinated. "You feel helpless, and there's nothing you can do about it."

Fury over California's vaccine policy is spreading along with the measles outbreak that started last month at Disneyland

Some schools and doctors in Southern California are turning away unvaccinated children, and a Marin County man

has urged school officials there to send home his 6-year-old son's unvaccinated schoolmates because the boy is recovering from leukemia, which prevents him from receiving the measles vaccine.

Legislators tried in 2012 to make it tougher for parents to bypass vaccines, requiring counseling and signatures from health care professionals to win exemptions. But two loopholes in the law left it easy for parents to opt out.

—People who oppose vaccination because of religious beliefs can skip counseling, a last-minute change that Gov. Jerry Brown added when he signed the updated law.

“These are political compromises” to appease a small but very vocal anti-vaccine movement, said James Colgrove, professor of sociomedical sciences at Columbia University’s School of Public Health and author of a book on the politics of vaccination. “The right to practice religion does not, in my view, include the right to endanger the health of others.”

Even the Christian Science Church, which preaches the power of prayer to promote healing, does not oppose vaccination, said spokesman Eric Nelson. The only vocal religious critic is Nation of Islam leader Louis Farrakhan, who claimed that the flu vaccine was designed to kill people.

State records show more than 13,000 kindergartners in California are unvaccinated because of religious or other personal beliefs. Thousands of other students also are not vaccinated, but state data concentrate on kindergartners as they enter school. In some schools, especially private Waldorf schools, fewer than half of kindergartners are vaccinated.

Balancing individual freedom with protecting community health is a long-standing public policy challenge, said experts. Objections to compulsory vaccination have been raised ever since California first required polio vaccination of all public school students and teachers in 1961.

California is one of 19 states allow exemptions based solely on parents' personal beliefs. Only in Mississippi and West Virginia does public health trump parental choice. Those states have the strictest vaccination laws in the country, allowing only medical exemptions. The rest of the states accommodate both medical and religious exemptions.

But exemptions were rarely invoked until recently. The success of vaccination against dangerous diseases and a federal campaign to protect children led to widespread acceptance.

In 2000, fewer than 0.77 percent of California kindergartners had vaccination exemptions. By 2014, the rate had risen to 2.5 percent, or one in every 40 children.

A series of high-profile incidents and theories about untoward effects of vaccines galvanized activists, Colgrove said. A book and documentary claimed the pertussis vaccine caused brain damage, although evidence remains insufficient to indicate a causal relation. A surge in autism cases triggered an investigation of a feared vaccine connection, but none was found.

“There is no acknowledgment of the side effects of vaccines,” said Santa Cruz parent Amy Kelchner, who practices naturopathy and is authorized to write vaccine exemptions. “There is no acknowledgment that they are not 100 percent effective.

“Measles is not as terrible a disease as everyone is making it out to be. ... The body knows how to heal itself,” said Kelchner, who has vaccinated her daughter but not her son, because he was not meeting his developmental milestones and she feared that vaccination would contribute to the problem.

According to the Centers for Disease Control and Prevention, common measles complications include ear infections and diarrhea. Severe complications include swelling of the brain and pneumonia.

Among every 1,000 children who get measles, one or two will die from it. Among them was the 7-year-old daughter of children's book author Roald Dahl.

Against those concerns, the Internet offers guidance to parents worried about vaccinations, with websites advising "Hints For Religious Exemptions to Immunization" and "Using the First Amendment to Opt Out of This Potentially Damaging Procedure."

At the Waldorf-inspired Berkeley Rose School in North Berkeley, 87 percent of kindergartners had exemptions, according to the 2013-2014 database of the California Department of Health Services. The rates at some other Bay Area Waldorf schools range from 50 to 65 percent.

Some other private schools have exemption rates from 51 to 60 percent of students.

When Brown signed legislation to boost immunization rates, he asked the state health agency to add the exemption.

Brown's decision was contested by vaccine experts – the American Academy of Pediatrics, the Health Officers Association of California and the California Immunization Coalition – who appealed to the California Health and Human Services Agency to strike it. But Brown's language stayed.

The governor's office declined to respond to the concerns. "We'll let the message speak for itself," said spokesman Jim Brown.

As counties race to control the measles outbreak, experts urge closing exemption loopholes.

"California exemptions are far too broad," said bioethicist Arthur Caplan of New York University's Langone Medical Center.

Smokers don't have the right to expose nonsmokers; drivers don't have the right to get on the road after drinking, he said. "I see no reason to lean in favor of the minority who want to put the majority at risk."

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