

## Idaho's Vaccine Exemption Form

Nov./ Dec. 2014 email correspondence

-----Original Message-----

From: Ingri Cassel [mailto:vaclib@hotmail.com]  
Sent: Thursday, November 20, 2014 12:31 AM  
To: Scoggins, Mitchell L. - CO 4th  
Cc: Angela Watts; Leslie Manookian  
Subject: Idaho's Vaccine Exemption Form

Dear Mr. Scoggin,

It has come to my attention that Idaho's Immunization Program has been directing health districts to reject exemption forms that are altered in anyway on the front side of the form.

I discovered this information from Angela Watts whose son is enrolled in Eagle Montessori Academy. She informed me that Sharon Brown, the Immunization Resource Coordinator for the Central District Health Department, visited her son's school and rejected Mrs. Watts state exemption form that was on file. Mrs. Watts was told that she could not alter the front of the form in any way for it to be accepted. Mrs. Watts wrote Ms. Brown an email stating very clearly that her altered form satisfies the letter of the law as memorialized in Idaho Code 39-4802 [see <http://legislature.idaho.gov/idstat/Title39/T39CH48SECT39-4802.htm>] while informing Ms. Brown that it was necessary to alter the incriminating state form to avoid any problems with the state should her child contract whooping cough or chickenpox. In response, Ms. Brown was not able to answer her questions and referred Mrs. Watts to Idaho's Immunization Program for further assistance. But what Ms. Brown did reveal is that she was told the form is a 'legal' document and it was not to be altered (!) Then Ms. Brown informed Mrs. Watts that she was free to write her religious or personal beliefs statement on the reverse side.

Mr. Scoggin, this is a very serious matter we have here. Yes, Idaho's exemption form IS a legal document and was in fact created by attorneys with the American Academy of Pediatrics. The entire form is incriminating for anyone naive enough to fill it out as Ms. Brown has been instructing people to do. This practice of giving dangerous legal advice regarding the use of Idaho's exemption form is ILLEGAL. As you and I know, anytime you sign a document, you are in fact agreeing to all the previous statements. Ms. Brown in effect told Mrs. Watts that it didn't matter if she agreed with the statements on the front of the form or not; she still had to fill it out and sign it - unaltered.

Not only is IDAPA 16.02.15 [<http://adminrules.idaho.gov/rules/current/16/0215.pdf>] in violation of state statute, but it does not state that the form cannot be altered.

Even the governor's office and Idaho's AG told me that the form can be altered. Why is it important to alter the form? Because you are requiring students attending schools in this state to inject multiple doses of various biological products that are not guaranteed for efficacy, there is no warranty for safety and all parties are conveniently released of all liability for the known damage these injections cause, including disability and death. By filling out the front side as the creators intended it to be filled out, a child who gets chickenpox and who has an exemption to the vaccine requirements could be taken by CPS due to 'willful' parental negligence. However, if a child acquires chickenpox who received the varicella vaccine, there would be no issue at all, other than an excuse to exclude all non-vaccinated children from the school for two weeks or more. While this makes no sense, we have documentation that this happens on a regular basis.

Frankly, I am tired of the lawless actions of IDHW and what is being told to health departments in this state. When you go to the website here  
<http://healthandwelfare.idaho.gov/Health/IdahoImmunizationProgram/tabid/2288/Default.aspx>

you will find that there is no mention of exemptions and only vaccine requirements for school. Idaho Code 39-4804 is very clear about parents being informed that 'immunizations are not mandatory in this state and may be refused on religious or other grounds'. See  
<http://legislature.idaho.gov/idstat/Title39/T39CH48SECT39-4804.htm>

Please note that BOTH I.C. 39-4802 and I.C. 39-4804 require only a parent's written statement to satisfy the vaccine exemption requirement.

Please let me know what you plan to do to make sure this disregard for the law on the part of your staff and IDHW does not continue.

In the Spirit of Truth,

Ingri Cassel, co-director  
NVICAdvocacy.org - Idaho Chapter  
P.O. Box 457  
Spirit Lake, Idaho 83869

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From: ScogginM@dhw.idaho.gov  
To: vaclib@hotmail.com  
CC: angela\_watts@msn.com; leslie.manookian@me.com  
Subject: RE: Idaho's Vaccine Exemption Form  
Date: Fri, 28 Nov 2014 15:09:33 +0000

Dear Ms. Cassel,

Thank you for contacting the Idaho Immunization Program with your concerns.

The Idaho Department of Health and Welfare strongly supports immunization as the easiest and most effective way to prevent certain diseases. It also recognizes that individuals have the right to make the decision whether or not to immunize their children against vaccine preventable diseases. For that reason, parents or guardians are able to exempt their children from any or all of Idaho's school- and childcare-required immunizations for medical, religious or philosophical reasons. The Idaho Immunization Program provides an exemption form for parents or guardians to fill out and sign that is retained in the child's record as documentation they are in compliance with Idaho law.

You reference section 39-4802 of the Idaho Code, but Idaho Code is only one of three parts of Idaho law. The first is the Idaho State Constitution, the second is Idaho Code (statutes), and the third is Idaho Administrative Procedures Act (IDAPA) Rules. IDAPA Rules have the force and effect of law and as such are subject to a comprehensive process that includes review and approval by the Idaho Legislature in order to become final and enforceable and are developed in conjunction with specific statutory authority, to carry out the intent of statute. In 2011, the Idaho Legislature approved IDAPA 16.02.15,

as meeting the intent of statute. Section 110.02 of IDAPA 16.02.15 states an exemption for religious or other objections must be "...on a form provided by the Department..."

With regard to your specific concern about the form that parents are required to sign to ensure exemption documentation, as required by IDAPA 16.02.15, the form used during the 2011-2012 school year was revised so that the form now indicates that parents have "been informed" rather than "understand" the statements made about vaccine preventable diseases. This change was made based on feedback received by parents signing the form. The Idaho Department of Health and Welfare worked with the Idaho Childhood Immunization Policy Commission on revisions and it was reviewed by the Office of the Idaho Attorney General. The new form has been in use since the 2012-2013 school year (a copy is attached, and you can find it online here). My staff are working directly with the Eagle Montessori Academy to make sure they begin using the new one immediately.

The additions Ms. Watts made to the form she was given did not constitute "alterations" to the document text. Therefore, in addition to working with the Eagle Montessori Academy, I am also providing additional guidance to our Local Public Health Districts on what constitutes an unacceptable change to the form. Crossing out or changing wording on the form is not acceptable, but parents or guardians may add information on either the front or the back of the form to convey their reasoning for exempting their child, which is the intended use of the form .

Typically, Idaho Immunization Program staff do not see copies of exemption forms. They are maintained in the student's file at school and not submitted to local or state public health agencies. However, in order to better understand the situation you were describing in your email and respond as thoroughly as I could, I worked through Central District Health Department to obtain a copy of this form from the school. After my review was completed, I destroyed all hard copies of the exemption form and digital copies were never made.

Regarding your question as to where exemption-rights information is located on our website, the link you referenced is the main Idaho Immunization Program page, and therefore has no specific information, but is the "landing page" from which different visitor groups can find the specific information they are looking for (i.e., "Information for Parents & Families" versus "Information for Healthcare Providers"). There are several ways visitors can get information regarding exemptions:

1. Under the "Information for Parents & Families" section, there is a link on the left-hand side of the page titled "School and Childcare Requirements." This link brings up a page that provides a parent guide to the immunization requirements, including exemptions with links to the English and Spanish versions of the exemption form.
2. Under the "Information for Schools & Childcare" section, the "Requirements" tab summarizes immunization requirements for school entry including information about exemptions.
3. Within the "School Requirements" section, another tab titled "Forms & Resources" is available that provides links to English and Spanish versions of the exemption form.

We at the Idaho Immunization Program feel confident that Idaho's immunization policies are respectful of parental rights, and will continue to work with Public Health Districts and schools to ensure better understanding of immunization school entry requirements and documentation.

Sincerely,

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Mitch Scoggins, Manager  
Idaho Immunization Program  
208.334.5942

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From: Ingri Cassel [mailto:vaclib@hotmail.com]  
Sent: Monday, December 01, 2014 12:39 AM  
To: Scoggins, Mitchell L. - CO 4th  
Cc: Angela Watts; Leslie Manookian  
Subject: RE: Idaho's Vaccine Exemption Form

Dear Mr. Scoggins,

Thank you for your reply to the email sent to you on November 20. While I understand that Idaho Code/statutes are supposed to be in harmony with the Idaho Constitution as are IDAPA rules, I have read IDAPA 16.02.15 in detail and do not see where the form provided by the IDHW cannot be altered prior to signing the form. Idaho's exemption form is not a simple, basic exemption form at all. It reads more like a confession and is unlawful since it involves compelling parents to admit or agree to information they may, in fact, not agree with. Changing the wording from 'understand' to 'have been informed' hardly fixes the problem. I would like your permission to share the information you sent me with Idaho's AG and Governor's office as well as a few legislators we have been working with.

Here are a couple issues I still have --

\*For one, attached is what you claim to be an older IDHW vaccine exemption form. This form was emailed to a lady from her grandson's public school admissions office in June 2014.

\*Also, I have been to the page you mentioned in your email many times. The exemption forms are not there most of the time. The legislators we are working with are also aware of this issue and have witnessed the same page changing.

\*The exemption form assumes that where I.C. 39-4802 states - on religious or other grounds - that 'other grounds' means philosophical. For most people I know, the 'other grounds' is NOT philosophical. How about scientific? As you know, there is quite a debate on the 'lack of' real science behind the Advisory Committee on Immunization Practices' recommendations for Vaccines for Children (VFC). David L. Lewis, PhD, worked for the EPA and CDC for over 30 years and details this problem in his book, Science for Sale: How the US Government Uses Powerful Corporations and Leading Universities to Support Government Policies, Silence Top Scientists, Jeopardize Our Health, and Protect Corporate Profits.

While we appreciate your intention to protect parental rights, we have many cases throughout the state where parental rights have been ignored with regard to vaccine exemption rights. Let us know if you want us to contact you when such a case occurs.

What you may not know is that many of us do in fact immunize our children. There are healthful ways of immunizing without injecting toxic vaccines into the bodies of our children. I work with a woman in our county who provides such an alternative -- called homeoprophylaxis. Her website is here <http://www.fourfoldwellness.net/>

I look forward to hearing back from you regarding both permission to share your response with the offices mentioned and whether you are interested in knowing about cases of vaccine exemption rights being ignored in this state.

In the Spirit of Truth,

Ingri Cassel, co-director  
NVICAdvocacy.org - Idaho Chapter  
P.O. Box 457  
Spirit Lake, Idaho 83869

On 12/08/2014 08:21 AM, Scoggins, Mitchell L. - CO 4th wrote:

Dear Ms. Cassel,

You asked two questions in your email of December one, and I have answered them below.

1. You ask for my permission to share my communications. Everything I do as an employee of the State of Idaho is a matter of public record, and as such my permission is not needed to share communications from me. However, in your original email to me you shared some information about the specific case of Ms. Watts' family, and I responded with additional information that I was able to discover. So, while no permission is needed from me, I hope you will seek it from Ms. Watts.

2. You ask if I am "...interested in knowing about cases of vaccine exemption rights being ignored..." While schools are not under the jurisdiction of the Department of Health and Welfare, we do provide guidance and assistance to them on how to meet the requirements of Idaho school immunization rules. Since we do not routinely collect exemption forms from schools, it does not quickly come to our attention when a school is using an older form, or in some other way deviating from the requirements of IDAPA 16.02.15. I welcome anyone sharing with us instances of a school who may not fully understand the requirements, so we can reach out to the school to provide what technical assistance is necessary.

About your assertion that the latest version of the exemption form or other exemption information is occasionally missing from our website, I'm afraid I must firmly disagree. However, I do know of a scenario when it would appear this way. A couple of years ago the Idaho Immunization Program (IIP) deployed an entirely new website, and some people who had direct-linked documents deep inside the old website, saw that those links were broken.

The IIP made every effort to provide excellent customer service in redirecting people to the new site, including automatically redirecting people from the old main page to the new main page. However, we were unable to link every old document to every new document, so to people using hard-coded links it may appear that a form is missing. I recommend that people use our main URL ([www.ImmunizeIdaho.com](http://www.ImmunizeIdaho.com)) as it will always point to our website regardless of changes, or if you must use permanent links, please re-link broken links by navigating from our main landing page to the new form location and create a new link at that spot. Our website should not move very frequently (it has moved only once in the past ten years), so those new links should be good for a long time.

Sincerely,

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Mitch Scoggins, Manager  
Idaho Immunization Program  
208.334.5942

**Subject:** Re: Idaho's Vaccine Exemption Form

**Date:** Mon, 08 Dec 2014 20:18:18 -0800

**From:** Ingri Cassel <vaclib@hotmail.com>

**To:** Scoggins, Mitchell L. - CO 4th <ScogginM@dhw.idaho.gov>

**CC:** Angela Watts <angela\_watts@msn.com>, Leslie Manookian  
<leslie.manookian@me.com>

Thank you, Mr. Scoggin. Ms. Manookian wanted to be able to share our correspondence with a couple of the legislators we have worked with the past couple of years and who also witnessed the lack of access to Idaho's exemption forms on the IDHW website. But I have a camera now with a date stamp so I will be monitoring this in the near future and beyond and will then have the appropriate proof should it happen again. We appreciate your time and willingness to discuss this issue with us. You also need to know that however you change Idaho's exemption form, parents will always have the right to adjust or modify the information prior to signing the document since, yes, it is a legal document and, yes, everything previous to one's signature that parent must agree is true to the best of their current understanding and knowledge. This is also why I.C. 39-4802 is clear about the vaccination exemption being for religious or other reasons since a scientific reason is certainly not a philosophical reason and as I pointed out, there is much debate about vaccines in the scientific community today.

Also, we have already asked Ms. Watts if this correspondence using her name and dilemma is okay to share with the legislators and she agreed that this is fine with her.

In the Spirit of Truth,

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**NOTE:** IDHW has since made sure that exemptions to immunization requirements are mentioned but certainly don't make this information widely available. See <http://healthandwelfare.idaho.gov/Health/IdahoImmunizationProgram/InformationforParentsFamilies/SchoolandChildcareRequirements/tabid/2296/Default.aspx>