



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
January 31, 2019 at 2:45 p.m.

By
John Morton
Vice President for Community Colleges
University of Hawai'i System

SB 671 – RELATING TO POST-SECONDARY EDUCATION STUDENT IMMUNIZATIONS

Chair Kim, Vice Chair Kidani, and members of the committee:

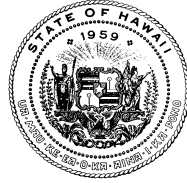
The University of Hawai'i (UH) supports Senate Bill 671 (SB 671) which exempts post-secondary students in exclusively online education or distance learning programs from providing evidence of immunizations as required by Title 11, Chapter 157, Hawai'i Administrative Rules (HAR).

Post-secondary online education and distance learning programs expand access to higher education and workforce development opportunities. Online and distance learning programs provide more flexibility in location and schedule for students who are working, have family demands or have other challenges participating in on-campus, in-person classes. Participation in UH's online and distance courses is robust with 1,428 online classes in Fall 2018. With the legislative support appropriated in 2018, the UH is increasing its online learning opportunities. A new, fully online Associate in Arts (AA) program, organized as a year-round program of 5-week "accelerated" classes, begins with an optional college readiness class on July 2, 2019 and a two and a half year series of courses beginning August 26, 2019. Students in the first cohort will graduate from Leeward Community College in December 2021 with an AA degree and may subsequently pursue a bachelor's degree online.

Currently, HAR requires that post-secondary students provide immunization records with evidence of identified vaccinations. These rules, last updated in 2001, apply to all enrolled students, whether students are attending in person or remotely via technology. The Department of Health (DOH) revised the HAR for Tuberculosis for 2018 and proposed changes to HAR for immunization to exempt students who participate in fully online programs. These exemptions streamline enrollment in online programs, reducing paperwork which is often a barrier to participation. In Fall 2018, DOH held public hearings for the proposed HAR for immunizations and is currently reviewing public comments on the proposed HAR; the proposed immunization exemption for students in online and distance programs will not be in effect until the revised rules are adopted.

Therefore, SB 671 would exempt post-secondary students in exclusively online and distance learning programs from immunization requirements in time to benefit students who are participating in UH's inaugural online accelerated AA cohort. The proposed exemption is consistent with the proposed HAR and DOH's intent. The bill contains language to repeal this session law once the revised HAR are adopted.

In closing, I wish to thank the Legislature for their support of expanding opportunities for Hawaii's residents through online and distance education. We request your support for this bill to streamline enrollment for online students.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on S.B. 671
RELATING TO POST-SECONDARY EDUCATION STUDENT IMMUNIZATIONS.

SENATOR DONNA MERCADO KIM, CHAIR
SENATE COMMITTEE ON HIGHER EDUCATION

Hearing Date: 1/31/2019

Room Number: 229

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department understands post-secondary institutions' concerns
3 regarding the uncertainty of timing related to the adoption of proposed amendments to title 11,
4 chapter 157, Hawaii Administrative Rules (HAR 11-157) and does not foresee any negative
5 impacts as a result of this measure. Exemptions for students who are enrolled in exclusively on-
6 line courses or degree programs will be included in proposed amendments to HAR 11-157 as
7 these students would not be required to report to traditional, congregate post-secondary school
8 classroom or dormitory settings.

9 Thank you for the opportunity to testify.



Testimony Presented to the
Senate Higher Education Committee

Thursday, January 31, 2019 at 2:45PM

by
Chaminade University of Honolulu President
Dr. Lynn Babington.

SB 671
Relating to Post-Secondary Education Student Immunizations

Chair Donna Mercado Kim, Vice Chair Michelle Kidani and members of the Committee:

Thank you for the opportunity to provide testimony in **support** of SB 671, temporarily exempting students in post-secondary education programs from immunization requirements if they attend classes exclusively online or through distance learning.

SB 671 temporarily amends Title 11, Chapter 157, Hawai'i Administrative Rules to exempt post-secondary students who are registered to attend classes exclusively online from the requirement relating to examination and immunization. The Department of Health is proposing a rule change to exempt students from this requirement permanently, but may not be able to adopt the rule change before our summer and fall 2019 classes commence. Online coursework delivery differs substantially from traditional educational settings. Adopting this exemption would assist students registering for online classes and not affect health and safety standards.

Chaminade University of Honolulu has four Associate of Arts, 12 Bachelor of Arts and Sciences and five Masters online degree programs. The students in these programs would benefit from this exemption, alleviating an unnecessary requirement.

Thank you for allowing us to submit this testimony.

A handwritten signature in black ink, appearing to read "Lynn Babington".

President Lynn Babington, PhD

Chaminade University of Honolulu
Office of the President Clarence T.C. Ching Hall 210
3140 Waialae Avenue, Honolulu, Hawaii 96816

(808) 735-4741 | president@chaminade.edu | chaminade.edu



**HAWAII
FOR
INFORMED
CONSENT**

January 30, 2019

Chair Donna Mercado Kim
Members of Senate Higher Education Committee
Hearing Date and Time: January 31, 2019, 2:45pm

Re: **COMMENTS ON SB671**

Aloha Chair Kim and Members of the Senate Higher Education Committee:

I support all people having the basic human right of bodily freedom and the right to exempt oneself or one's minor children from any medical procedure carrying risk of harm—including vaccination.

It is concerning that this bill seems to be predicated on the adoption of Hawai'i State Department of Health's (DOH) *proposed* rule changes (HAR 11-157), presumably still in the post-hearings phase of compiling and reviewing transcribed testimonies from across the state. Transcripts have not yet been made available to the public. The DOH has stated that these proposed rule changes are still under consideration, according to the stated process.

One is led to wonder if the DOH, along with the introducers of SB671 and its companion bill, HB1157, have not sincerely taken into account all of the public testimony—most of which was opposed—as required by HRS Chapter 91 on Administrative Procedure.

The introduction of SB671 and HB1157 presumes that the DOH's proposed changes to HAR 11-157 will be implemented, showing a complete disregard for the administrative process and public opposition.

Sincerely,

Laurie West
Teresa Chao
Kimberly Haine

for Hawaii For Informed Consent

cc:

*Bruce Anderson, Director of Hawai'i State
Department of Health*

*Sarah Park, MD, Director of Disease Outbreak
Control Division*

Clare Connors, Hawai'i State Attorney General

Josh Green, MD, LT Governor

David Ige, Governor

SB-671

Submitted on: 1/30/2019 2:37:35 PM

Testimony for HRE on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-671

Submitted on: 1/29/2019 11:18:10 PM

Testimony for HRE on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Poiani	Individual	Support	No

Comments:

I support SB671,

however HAR 11-157 rule change has not been finalized and approved yet. This bills assumptions that HAR 11-157 rule change will be implemented shows the blatant disregard for due process. There was extensive testimony against HAR 11-157 rule changes and very little support. This is a shameful example of democracy.

SB-671

Submitted on: 1/30/2019 2:46:25 PM

Testimony for HRE on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maly Nakoa	Individual	Support	No

Comments:

Aloha Chair Kim and Members of the Senate Higher Education Committee:

I support all people having the basic human right of bodily freedom and the right to exempt oneself or one's minor children from any medical procedure carrying risk of harm—including vaccination.

It is concerning that this bill seems to be predicated on the adoption of Hawai'i State Department of Health's (DOH) proposed rule changes (HAR 11-157), presumably still in the post-hearings phase of compiling and reviewing transcribed testimonies from across the state. Transcripts have not yet been made available to the public. The DOH's website, dated 1/23/19, describes the proposed rule changes and revisions as still under consideration, according to the stated process.

One is led to wonder if the DOH, along with the introducers of SB671 and its companion bill, HB1157, have not sincerely taken into account all of the public testimony—most of which was opposed—as required by HRS Chapter 91 on Administrative Procedure.

The introduction of SB671 and HB1157 presumes that the DOH's proposed changes to HAR 11-157 will be implemented, showing a complete disregard for the administrative process and public opposition. When will we have due process? When will our voices be heard?

Sincerely,

Maly Gella (Nakoa)

LATE

SB-671

Submitted on: 1/30/2019 4:57:33 PM

Testimony for HRE on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lori Auldrige	Individual	Oppose	No

Comments:

January 30, 2019

To: Chair Donna Mercado Kim and Members of Senate Higher Education Committee

Hearing Date and Time: January 31, 2019, 2:45pm

Re: COMMENTS ON SB671

Aloha Chair Kim and Members of the Senate Higher Education Committee,
I support all people having the basic human right of bodily freedom and the right to exempt oneself or one's minor children from any medical procedure carrying risk of harm—including vaccination.

It is concerning that this bill seems to be predicated on the adoption of Hawai'i State Department of Health's (DOH) proposed rule changes (HAR 11-157), presumably still in the post-hearings phase of compiling and reviewing transcribed testimonies from across the state. Transcripts have not yet been made available to the public. The DOH's website, dated 1/23/19, describes the proposed rule changes and revisions as still under consideration, according to the stated process.

One is led to wonder if the DOH, along with the introducers of SB671 and its companion bill, HB1157, have not sincerely taken into account all of the public testimony—most of which was opposed—as required by HRS Chapter 91 on Administrative Procedure.

The introduction of SB671 and HB1157 presumes that the DOH's proposed changes to HAR 11-157 will be implemented, showing a complete disregard for the administrative process and public opposition.

Sincerely,

L.B. Auldrige

LATE

SB-671

Submitted on: 1/30/2019 9:20:39 PM

Testimony for HRE on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
martina dodson	Individual	Oppose	No

Comments:

January 30, 2019

To: Chair Donna Mercado Kim and Members of Senate Higher Education Committee

Hearing Date and Time: January 31, 2019, 2:45pm

Re: COMMENTS ON SB671

Aloha Chair Kim and Members of the Senate Higher Education Committee:

I support all people having the basic human right of bodily freedom and the right to exempt oneself or one's minor children from any medical procedure carrying risk of harm—including vaccination.

It is concerning that this bill seems to be predicated on the adoption of Hawai'i State Department of Health's (DOH) proposed rule changes (HAR 11-157), presumably still in the post-hearings phase of compiling and reviewing transcribed testimonies from across the state. Transcripts have not yet been made available to the public. The DOH's website, dated 1/23/19, describes the proposed rule changes and revisions as still under consideration, according to the stated process.

One is led to wonder if the DOH, along with the introducers of SB671 and its companion bill, HB1157, have not sincerely taken into account all of the public testimony—most of which was opposed—as required by HRS Chapter 91 on Administrative Procedure.

The introduction of SB671 and HB1157 presumes that the DOH's proposed changes to HAR 11-157 will be implemented, showing a complete disregard for the administrative process and public opposition.

Represent the people.

Sincerely,
Martina K. Maui

LATE

Cheryl Toyofuku
Mother, Grandmother, Registered Nurse, Health Advocate
1025 Noelani Street, Pearl City, HI 96782
January 30, 2019

Chair Senator Donna Mercado Kim
Members of the Senate Higher Education Committee
Hearing Date and Time: January 31, 2018 at 2:45 p.m.

Re: Comments on SB 671 Relating to Post-Secondary Education Student Immunizations

Aloha Senator Kim and Members of the Senate Higher Education Committee,

I support the right to have health care choices and to make decisions about the health of our children and families. I also strongly support the freedom to exempt oneself or one's minor children from any medical procedure such as vaccinations where health risks and harm may be involved.

Many parents testified at public hearings across the islands in opposition to Hawaii's Department of Health (DOH) proposed changes to HAR 11-157. Many testified that adopting the recommendations of DHHS, CDC and ACIP was NOT in the best interest for Hawaii. Concerns were shared at the possible violation to our health care privacy and freedoms with questions concerning FERPA (Federal Educational Rights and Privacy Act) and HIPAA (Health Insurance Portability and Accountability Act).

Public confidence in national and international vaccine policies is at an all time low as we face increasing vaccine schedules, a lack of safety/efficacy studies and an escalation of vaccine injuries. We are facing the sickest generation according to the U.S. Childhood Health statistics straight from the CDC's own website with 1 in 6 children with developmental disabilities and 1 in 59 children with Autism Spectrum Disorder. <https://www.cdc.gov/ncbddd/autism/data.html>

Public testimony transcripts from the DOH hearings are still under consideration, yet it is disconcerting that the introducers of SB671 are presuming that the proposed changes will be adopted and implemented. This legislative process of SB671 with its companion HB1157 appears to grievously disregard the public's strong opposition to **proposed** administrative rule changes to HAR 11-157.

As Hawaii's lawmakers, you are encouraged to invest the time in inquiring and researching the public's concerns that were shared recently at DOH hearings on HAR 11-157. Thank you for your consideration.