

# District Report

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## LEGISLATIVE ACTION UNDER "THE GOVERNATOR": How did children and pediatricians fare?

The 2003-2004 legislative session recently came to an end, yielding the first opportunity for Governor Schwarzenegger to sign or veto bills. Prior to that, the new Governor had been able to spend much of his time in the Capitol forging compromises. When brokering those deals, Governor Schwarzenegger might best be described as the "coach of the team," trying to get high-profile, high-ego players to work together to achieve a common goal—for example, an on-time, balanced budget. But the bill-signing process is qualitatively different. The Governor's role is like that of the last batter in the bottom of the ninth. What he personally does determines the outcome of that game.

Legislators work literally for years to get their bill to the Governor's desk for consideration. He can sign it, delivering them the home run they want, or veto it, sending them back to the showers until next season. What choices did Governor Schwarzenegger make with respect to legislation affecting children and pediatricians? For the most part, the outcomes were surprisingly positive.

**SB 1692** (*Vasconcellos*) was a reincarnation of past bills to increase utilization of optometrist-provided "vision tracking therapy." A subset of optometrists asserts that training the eyes to track words properly successfully treats many learning disabilities in children. The AAP nationally has reviewed the issue carefully and reports that the evidence is not there to support such a link. SB 1692 would have mandated that schools send a questionnaire home upon a child's entrance to school (and again at specified intervals) through which parents would "self-assess" such vision tracking problems in their children. Along with the questionnaire, parents would be encouraged to go to a "health professional" if their child "failed" the questions. This would divert needed health resources to an unproven, ineffective technique, while deferring proven interventions for learning disabilities. AAP-CA, led by Marc Lerner, M.D., Walter Fierson, M.D., James Ruben, M.D. and Robert Adler, M.D., opposed this bill vigorously. Kaiser and the ophthalmologists joined us. Yet the Legislature

chose to pass it through. However, Governor Schwarzenegger understood our opposition, and vetoed SB 1692.

**SB 1764** (*Speier*) was an AAP-CA co-sponsored bill to support the establishment of a statewide immunization registry, permitting pediatricians to more easily track immunizations received by children in their practices, thus reducing both missed opportunities to immunize and overimmunization. The bill, as originally written, would have funded the development of a state "hub" to connect the existing nine regional immunization registries. However, the enormous state deficit made that action impractical at this time. The bill remained important, however, as it also contained language facilitating better communication and use of the registries, including enabling the participation of foster children in registries. Dean Blumberg, M.D., Quynh Kieu, M.D., Yasuko Fukuda, M.D. and Allan Lieberthal, M.D. were among those who worked hard on this bill. The Governor signed SB 1764. We plan to return next session with related legislation to continue to move us toward a comprehensive, statewide immunization registry.

AAP-CA continues to fight anti-vaccine propaganda and misstatements about

in their facilitation of the availability of needed vaccines. Both Dean Blumberg, M.D. and William Mason, M.D. are leading the AAP-CA in developing strategies to go forward from here to protect vaccine confidence and supply.

There is clear evidence associating exposure to media violence with a variety of physical and mental health problems in children and adolescents. Further, early studies on video games show that the effects of child-initiated virtual violence may be even more profound than those of more passive media, like television. Based on this evidence AAP-CA worked closely with Assemblymember Yee's office to promote legislative actions that protect children from exposure to ultraviolent video games. Michael Harris, M.D. led an AAP-CA grass roots effort, which was influential in moving this bill through the legislature. Despite the fact that Governor Schwarzenegger is the role model and "action figure" in some of these games, he followed the evidence and what is best for children in signing AAP-CA supported AB 1793. This new law will require video game retailers to post rating systems defining levels of violence in the games. We hope to partner again with Assemblymember Yee on further legislation in this area.

These are only a few examples of the

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the safety of vaccines, including unfounded statements about the "danger" of thimerosal as a vaccine preservative. AB 2943 (Pavley), as introduced, would have created a blanket prohibition on the use of thimerosal-containing vaccines for children under three and pregnant women in California. AAP-CA was successful in getting the bill significantly amended, including a deferral of the implementation date to July 2006, to permit manufacturers needed time to shift production. Further, the AAP-CA obtained an amendment to establish an exemption process for the new law, such that thimerosal-containing vaccines may be utilized when other vaccine supplies are inadequate. The Governor signed the amended version of AB 2943. When he did so, he cited arguments made by the AAP regarding the need for "abundant caution" in reducing the cumulative load of mercury in children, while at the same time noting that there is no credible link between thimerosal and autism. Given the current flu vaccine shortage and the possibility of similar occurrences in the future, the AAP-CA amendments may literally prove life saving

ways in which Governor Schwarzenegger stood up for appropriate child health policy in his bill actions. Coupled with the Governor's positive response to AAP-CA demands for the final budget, in which he withdrew his initially proposed 10% physician reimbursement cuts under Medi-Cal, withdrew his initially proposed caps on enrollment in Healthy Families and California Children's Services and delayed his proposed Medi-Cal redesign proposal until more stakeholder input could be integrated, there emerges a picture of a pro-child, pro-health access Governor. Yet, there were certainly areas in which the AAP-CA and the Governor disagreed.

In particular, the Governor ran as a pro-business candidate, and remained true to that in various decisions. This included support for the insurance industry. He vetoed AAP-CA supported SB 1158 (Scott), which would have required health insurance plans to cover hearing aids for children up to a cap of \$1000.

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The governor cited a concern that “increasing the cost of health insurance by mandating benefits” would leave more children without any insurance. He made a similar decision in vetoing AAP-CA supported and ACOG-sponsored SB 1555 (Speier), which would have mandated maternity coverage in all health plans. The Governor also ran on a platform of reducing regulations. In that spirit, he vetoed SB 1140 (Scott), a bill to tighten loopholes in the current liability laws regarding safely storing guns away from children’s access.

He stated that “...additional firearm storage restrictions ...are vague and unnecessary...”. Similarly, despite the Governor’s strong support of nutritional health and fitness, he vetoed AAP-CA supported AB 2686. This bill would have required schools to provide parents with the nutritional content of school lunches. He stated that schools already have this option without mandating it through this measure.

This coming year we anticipate facing many of the same challenges, with a similarly large state budget deficit. But this time we have some sense of what to expect from the Governor. New regulations or layers of bureaucracy, or anything that can be perceived as burdening

business will continue to be hard sells. But issues that truly put children first, including environmental and media-related actions, and vaccine safety and promotion, if evidence-based, are likely to be looked upon favorably by him.

A complete scorecard of “hits and misses” on the last legislative session can be found at [www.aap-ca.org](http://www.aap-ca.org). If you have legislative questions, comments, or issues, please contact the District office at [aapcalifornia@aol.com](mailto:aapcalifornia@aol.com). We will put you in touch with your local AAP-CA chapter state government affairs representative.