



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Hearing Testimony
Assembly Committee on Constitution and Ethics
April 20, 2021
Assembly Bill 132

Chairman Wichgers and members of the Assembly Constitution and Ethics Committee – thank you for giving me the opportunity to speak on AB 132, relating to immunization-related mail.

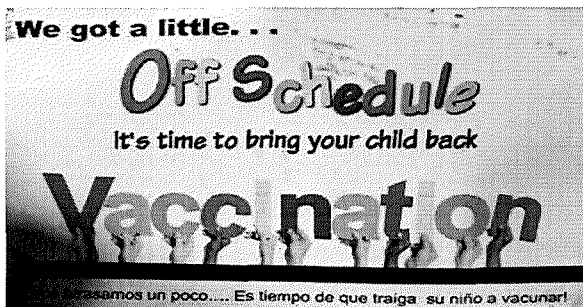
Health-related communications should be private. Unfortunately, some parents in Wisconsin have received postcard-type mailers that may reveal a child’s immunization records or status.

The mailers differ in presentation, and often come from a county health department. The message is the same – they typically imply, in large font and on the outside of the postcard, in full view, that a child may be behind or may not be up to date on their vaccine schedule.

These mailers appear to subvert the intent of HIPAA protections by being suggestive to update someone’s health records, rather than making a declarative statement. This behavior by any governmental body is unacceptable.

AB 132 would protect health privacy by requiring that any piece of mail containing immunization information is enclosed and sealed, and that no immunization information is visible on the outside of the mailer.

Here is an example of the type of mailers in question:



I appreciate the opportunity to testify on this bill and would gladly answer any questions the committee may have.

STATE SENATOR KATHY BERNIER
TWENTY-THIRD SENATE DISTRICT



State Capitol • P.O. Box 7882 • Madison, WI 53707
Office: (608) 266-7511 • Toll Free: (888) 437-9436
Sen.Bernier@legis.wi.gov • www.SenatorBernier.com

From: Senator Kathy Bernier
To: The Assembly Committee on Constitution and Ethics
Re: Testimony on Assembly Bill 132
Relating to: immunization-related mail
Date: April 20, 2021

Thank you Chairman Wichgers and committee members for allowing me to provide testimony on Assembly Bill 132 today.

I will keep my comments brief, as this is a simple bill.

A person's health information should be kept private. It is improper and imprudent for any person or group to disclose information about the health status of someone who has not consented to share it. This is especially true of the government.

This extends to information that could be used to reasonably infer a person's health information. Imagine you receive a postcard or a flyer, open to the public, that discusses your need for a specific prescription, or an appointment with a specialist. These types of postcards exist for vaccine status.

This bill does not pass judgment one way or another on vaccines. This bill simply secures, and affirms that the government has no right to intrude upon, your privacy and the privacy of every person across the state. It is their right, and yours as well, to have your medical information remain between you and your health care provider.



**Submission to the Wisconsin Assembly Committee on Constitution and Ethics Public Hearing
In Support of AB132 – Hearing Date – April 20, 2021
By Judith Jolly, RN, BSN – Co-Founder – Vaccine Choice Wisconsin
www.vaccinechoicewi.org**

Vaccine Choice Wisconsin supports AB 132 and we respectfully request that the Wisconsin legislature make it a priority to ensure that a person's vaccination status is protected.

It is sad that legislation is needed to ensure that a person's medical information remains confidential, and not made public by government officials. And yet, this has become necessary because certain health entities, including the Wisconsin Department of Health Services, have chosen to send notices on postcards to inform individuals and families that, according to their records, they may be missing one or more recommended vaccine doses. Postcards can be read by any number of people, including neighbors and strangers, should they be inadvertently delivered to the incorrect address.

As a registered nurse, I am required to protect the health information of all my patients. It is incomprehensible that the Wisconsin Department of Health Services and other health entities do not follow these same guidelines. I can't imagine that they would consider sending a postcard to notify someone that they may have been exposed to a sexually transmitted infection, or to a virus such as HIV, Hepatitis B, or Hepatitis C. Why then, have they chosen to send postcards with confidential medical information regarding a person's vaccination status through the U.S postal service? There is no justification for this, and I applaud the efforts of Representative Sortwell and Senator Bernier to ensure that this practice is no longer permitted.

In recent years, the bullying and shaming of persons who have chosen to forgo one or more vaccinations has become acceptable by many in the media, public health, and academia. There have been media stories calling for the addresses of unvaccinated families to be made public, to target and shame them. Articles have included language encouraging people to "Shame and Shun "anti-vaccine" parents, and have even pushed for the jailing of parents who have opted not to receive every single CDC recommended vaccine.

Stories like these are terrifying to individuals and families who have chosen to decline one or more vaccine doses. It is especially difficult for those who have witnessed a child or loved one be harmed by a vaccine or who have been personally affected. Individuals and parents may choose to exempt themselves or their children from vaccination for a number of reasons, which may include a previous serious reaction, vaccine injury of a loved one, or because they believe that the risk of harm from vaccination outweighs any perceived benefit.

As it currently stands, declining a vaccine might place them at a real risk of harm should a postcard be inadvertently delivered to the wrong address. In the spring of 2019, a group calling themselves the "Concerned Moms of Wisconsin" sent anonymous letters to the neighbors of individuals who they identified as being "anti-vaccine". The victims of this anonymous letter campaign were labeled as anti-science, a risk to society, and made them a target of discrimination in their own neighborhoods. Was their vaccination status revealed because our own government agencies permitted this information to be made public through the use of postcards?

Choosing to opt out of one or more recommended vaccines or simply falling behind on the CDC's large list of recommended vaccines and doses should not subject a person to the potential risk that their health information becomes public knowledge, thereby placing them at risk of bullying, shaming, and shunning.

Vaccine Choice Wisconsin urges this committee to support AB 132. Revealing a person's confidential medical information is never acceptable. Please put an end to this practice by requiring that information pertaining to a person's vaccination status be sent out in a sealed envelope with no information visible on the outside of the piece of mail.