TO: The Members of the St. Charles County Council
   The Honorable Terry Hollander, Council Chair
   The Honorable Joe Cronin
   The Honorable Joe Brazil
   The Honorable Mike Elam
   The Honorable David Hammond
   The Honorable Nancy Schneidner
   The Honorable John White

Brenda Hinton, St. Charles County Registrar

FROM: Steve Ehlmann
   St. Charles County Executive

DATE: June 15, 2020

RE: Approval of Bill 4852

Pursuant to Section 3.702 of the St. Charles County Home Rule Charter, I have signed and returned to the St. Charles County Council Bill 4852.

On Monday night, June 8, the St. Charles County Council passed Bill 4852 authorizing me to sign the Memorandum of Understanding between St. Charles County and the Missouri Department of Health and Senior Services for the County Department of Public Health’s continued participation in the State of Missouri’s immunization data repository, which is known as SHOWMEVAX. I heard the debate at the first reading of the bill. While I was on vacation and not in attendance for final passage, I have watched the tape of the meeting to hear further arguments pro and con on the bill. I have also spoken with several physicians, school superintendents and citizens.
The new agreement is necessary because the State has a new software platform, but the agreement does not require the county to provide any additional data other than what it has been providing since the beginning of the state program. The State Department of Health and Senior Services has no access through ShowMeVax into the County Department of Public Health’s medical record application.

I understand that vaccinations have become more controversial over the years and people on both sides of the issue feel very strongly. There will undoubtedly be a continuing debate on the proper public policy regarding vaccinations. St. Charles County is a political subdivision of the State of Missouri and its power is subject to state statutes – whether those powers relate to gun control, minimum wage or vaccination. Legislators from the City of St. Louis have pushed for years for the ability to pass their own gun control ordinances, but the General Assembly has refused to grant them that power. Several years ago, after the City of St. Louis, unhappy with the minimum wage in state statutes, passed its own minimum wage ordinance requiring employers in the city to pay their employees a higher minimum wage, the legislature made it clear that was not within their power.

Likewise, some would have St. Charles County, and presumably each of the other 114 counties in the state, establish its own vaccination policy. I believe that gun control, minimum wage and vaccination policy need to be uniform throughout the state. I encourage those who do not like any of those existing policies to contact their state representative or state senator so that they can address this matter when the legislature convenes in January.

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1 The State of Missouri, in Section 167.181 of the Revised Statutes of Missouri requires the State Department of Health and Senior Services to promulgate state rules and regulations governing immunizations against eight diseases, including polio, rubella, rubeola, mumps, tetanus, pertussis, diphtheria and hepatitis B. These immunizations are “to be required of children attending public, private, parochial or parish schools.” Section 167.181.1 RSMo. In fact, it is the State of Missouri that has legislated that it is unlawful for any student to attend school unless they have been immunized and able to show evidence of that immunization or show evidence that they have been properly exempted. Section 167.181.2 and .3. Missouri’s law requires each school superintendent, whether of a public, private, parochial or parish school, to prepare a record of the immunization status of every child and report nonexempted children who are not immunized to the Department of Health and Senior Services. Section 167.181.4 RSMo.
In the meantime, I want to assure everyone that, under the existing state policy, Missouri parents have the choice of going to their private medical provider or the local public health agency to seek immunization or to obtain the state’s exemption. Private medical provider participation in the program is voluntary and no private health care provider is required to report any medical information to the state. For individuals who decide to use the county’s Public Health Department for their immunizations, the immunization information the county provides the state is subject to HIPAA regulations and state privacy laws and is available only to authorized users. Unless changed by the legislature, these privacy protections will remain in place for any vaccines that might become available in the future.

I have been asked a lot of scary “what ifs” regarding the possible behavior of the state Department of Health and Senior Services in the future. Should any of those materialize in the future, should the department violate HIPAA or any statutory protection, I will want to know immediately, and the county can terminate its agreement with the state.

Therefore, I have today signed Bill No. 4852 and the authorized Memorandum of Understanding. I request this statement be filed with Bill 4852 in the office of the St. Charles County Registrar.

Steve Ehlmann
St. Charles County Executive