



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Records Access Office
89 Washington Avenue
Room 121 EB
Albany, NY 12234

July 11, 2019

VIA EMAIL ONLY

alucas@sirillp.com

Dear Ms. Lucas:

This is in response to your Freedom of Information Law request for State Education Department records regarding a copy of "How to Handle Requests for Medical Exemptions to Vaccines" referenced at: <https://www.schoolhealthny.com/ImmunizationFAQSGeneral>, which was received on July 2, 2019.

We located the document responsive to your request. Please find the document attached.

If you wish to appeal this response, you may do so within 30 days by emailing FOILappeal@nysed.gov or writing to:

MaryEllen Elia
Commissioner of Education
NYS Education Department
Room 111, Education Building
89 Washington Avenue
Albany, NY 12234

Sincerely,
SIGNATURE

Sample Response to Medical Exemptions Immunization Requests

NYSDOH Public Health Law Section 2164(7) (a) requires adequate dose or doses of immunizing agents against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophilus influenza type b (Hib), pertussis, tetanus, and hepatitis B for school entry. NYS law Section 66-1.3 c-Requirement for School Admission permits medical exemption to required immunizations if the parent provides a certificate from a physician, licensed to practice medicine in this State, that one or more of the required immunizations may be detrimental to the child's health.

The Medical Director is responsible for review and approval of all medical exemptions to immunizations provided by a NYS licensed physician. Approval should be in alignment with laws and regulations, using national medical standards to determine legitimate medical contraindications. Only requests which meet the criteria for valid contraindication to immunization should be accepted. Each district may develop policies, regulations, or procedures that support the Medical Director to inquire about specific details of the reasons for exemption requests.

The medical exemption should include:

- The specific immunization that is medically contraindicated
- The reason for the medical contraindication
- The duration of the request.

The private physician should not request a permanent exemption unless he/she anticipates the child to have a life-long anaphylactic reaction to a given vaccine or one of its components, which cannot be desensitized, or the child has some other severe chronic medical condition he/she do not expect to resolve. All other requests should be temporary and require at minimum annual re-assessment, if not sooner when the condition resolves.

School Medical Directors are not required to accept a request that is incomplete, inaccurate, completed by someone other than a physician, or for reasons such as parent fear, real or unfounded, history of "bad" reactions in a sibling, or philosophical belief. When a medical request is granted, the school nurse should be advised to flag and track the child, so they may appropriately address their needs in the event of a disease outbreak in the building.

If the Medical Director for the school would like to have the NYSDOH, Bureau of Immunization Medical Director review the exemption statement and provide a recommendation as to whether the statement is a valid contraindication, the school can fax a **redacted (de-identified)** statement and redacted immunization record to 518-474-5500. They will review the information and provide a letter of recommendation which will **be emailed or faxed** to the school.

Information regarding school responsibility for excluded students is detailed in the NYSED Immunization Guidelines.

CDC Resources Related to Medical Exemptions

- [Conditions commonly misperceived as contraindications to vaccination](#)
- [Quick Guide to Contraindications and Precautions to Commonly Used Vaccine](#)