

 **STATE OF NEW YORK  
DEPARTMENT OF HEALTH**

Corning Tower      The Governor Nelson A. Rockefeller Empire State Plaza      Albany, New York 12237

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

September 2004

Re: Public Health Law Section 2164(7)(a)

Dear Superintendent/Principal/School Nurse:

The Bureau of Communicable Disease Control of the New York State Department of Health has legal authority to ensure that schools throughout the state comply with Section 2164(7)(a) of the Public Health Law related to immunization requirements for school entry. Public Health Law Section 2164(7)(a) requires that:

No principal, teacher, owner or person in charge of a school shall permit any child to be admitted to such school, or to attend such school, in excess of fourteen days, without the certificate provided for in subdivision five of this section or some other acceptable evidence of the child's immunization against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, hepatitis B and, where applicable, Haemophilus influenzae type b (Hib); provided, however, such fourteen day period may be extended to not more than thirty days for an individual student by the appropriate principal, teacher, owner or other person in charge where such student is transferring from out-of-state or from another country and can show a good faith effort to get the necessary certification or other evidence of immunization.

Please be advised that findings of violations of the Public Health Law may result in the imposition of a civil penalty of up to \$2,000 per violation. Each student who is permitted to attend school in violation of the requirement of Section 2164(7)(a) constitutes the basis for a separate violation of the Public Health Law for which a civil penalty may be imposed. A student is in compliance with the immunization requirements when he or she meets the criteria set forth in Section 2164 of the Public Health Law. A copy of Section 2164 is enclosed with this letter.

If you and/or your representative or attorney have any questions concerning the legal requirements of Public Health Law Section 2164(7)(a), please call Jerry DeLuise at 518-474-4283 or write to him at the above address, Room 2412 (Fax # 518-474-6380). Questions pertaining to the required certification or other evidence of immunization, the obtaining of the mandated immunizations for students, or the requirements relating to exemptions, should be directed to David Gonzalez of the Immunization Program at either 518-474-1944 or in writing to the above address, Room 649 (Fax # 518-486-2249).

Sincerely,

Debra Blog, M.D., M.P.H.  
Medical Director  
Immunization Program

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