

**NEW YORK**  
state department of  
**HEALTH**

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

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Dear Colleague,

New York State Public Health Law (PHL) § 2164 requires children aged two months through eighteen years to be immunized against poliomyelitis, measles, mumps, rubella, diphtheria, tetanus, pertussis, varicella, hepatitis B and, where applicable, *Haemophilus influenzae* type b (Hib) and pneumococcal disease, to attend school.

The accompanying guidelines are intended for use by: 1) health care practitioners- to assist them in determining the appropriate use of immunization-related medical exemptions for school-aged children as well as providing a sample form for their use, and 2) school personnel- to assist them with assessing accurate completion of medical exemption paperwork.

The accompanying guidelines review types of immunization exemptions, according to current accepted medical practice standards as defined by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. It also provides additional information on how to determine whether contraindications/precautions exist to vaccination, outlines the process for filing medical exemptions, and provides a listing of additional immunization resources available for your reference.

For additional questions regarding medical exemptions, please call the NYSDOH, Bureau of Immunization at 518-473-4437.

Sincerely,

Lynn C. Berger, M.D., M.P.H.  
Director  
Bureau of Immunization

## **Immunization-Related Medical Exemptions for School-Aged Children**

### ***Introduction***

New York State Public Health Law (PHL) § 2164 requires children aged two months through eighteen years to be immunized against poliomyelitis, measles, mumps, rubella, diphtheria, tetanus, pertussis, varicella, hepatitis B and, where applicable, *Haemophilus influenzae* type b (Hib) and pneumococcal disease, to attend school. This document is intended for use by health care practitioners to guide them on the appropriate use of immunization-related medical exemptions for school-aged children.

### ***Background***

Immunization is one of the most effective public health interventions available for disease prevention. In the United States, vaccines have reduced or eliminated many infectious diseases that once routinely killed or harmed many infants, children, and adults. However, the viruses and bacteria that cause vaccine-preventable disease and death still circulate and can be transmitted to those who are not immunized. Not only are children who are not vaccinated susceptible to serious illnesses themselves, but they may also be a danger to children too young to be vaccinated or children who cannot be vaccinated because of medical contraindications. Vaccine-preventable diseases have many social and economic costs as well; sick children miss school and can cause parents to lose time from work. These diseases also result in doctor's visits, hospitalizations, disability, and even premature deaths for some individuals.

### ***Health Care Practitioner Role in Improving Childhood Vaccination Rates***

Health care providers play a significant role in improving childhood vaccination rates. Each child's immunization status should be reviewed at each office visit. Children who are not up-to-date should be offered all vaccines currently due or overdue, to assure maximum protection for the child. A parent or guardian's concern over vaccine safety or personal belief about vaccines may create a barrier to a health care practitioner's effort to improve immunization rates. The Centers for Disease Control and Prevention (CDC)'s *Guide to Vaccine Contraindications and Precautions* (discussed in further detail below) should assist health care practitioners in conversations with parents about contraindications to vaccinations. Other resources available to engage parents in conversations about vaccines and their safety can be found in the "*Additional Resources*" section at the end of these guidelines.

### ***New York State Public Health Law: Immunization Requirements***

New York State PHL § 2164 requires that children aged two months through eighteen years be immunized against poliomyelitis, measles, mumps, rubella, diphtheria, tetanus, pertussis, varicella, hepatitis B and, where applicable, *Haemophilus influenzae* type b (Hib) and pneumococcal disease, in order to attend school. School includes any public, private or parochial child caring center, day care agency, nursery school, kindergarten, elementary, intermediate or secondary class or school building.

## ***Types of Exemptions from Immunization Requirements***

PHL § 2164 allows for only two exemptions to school immunization requirements:

- (1) **Medical Exemption.** If a physician licensed to practice medicine in New York State certifies that an immunization is detrimental to a child's health, the requirement for that immunization is waived until such immunization is no longer detrimental to the child's health.
- (2) **Religious Exemption.** If a parent(s) or guardian(s) of a child holds genuine and sincere religious beliefs which are contrary to school entry immunization requirements, the immunization requirements are not required for the child to attend school.

Note: New York law does not recognize philosophical/personal exemptions (e.g. exemptions based on a parent(s) or guardian(s) personal or philosophical beliefs).

## ***Recommended Guide to Determining Medical Exemptions***

Some children should not receive particular vaccines or should delay administration because of the presence of a self-limiting condition. The New York State Department of Health (NYSDOH) recommends health care practitioners consult the CDC's Advisory Committee on Immunization Practices (ACIP) guidelines for contraindications and precautions to childhood vaccinations. ACIP guidelines are set forth in the CDC's *Guide to Vaccine Contraindications and Precautions* available at:

<http://www.cdc.gov/Vaccines/recs/vac-admin/downloads/contraindications-guide-508.pdf>.

The *Guide* is arranged alphabetically according to symptoms and conditions that are often considered contraindications to vaccination.

For more information on medical exemptions to vaccination, please go to the website of the CDC and see the *General Recommendations on Immunization* published in the Morbidity and Mortality Weekly Report on January 28, 2011 at

<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr6002a1.htm>.

## ***Process of Filing a Medical Exemption***

If a child has a medical exemption to immunization, a physician licensed to practice medicine in New York State must certify that the immunization is detrimental to the child's health. The medical exemption should specify which immunization is detrimental to the child's health, provide information as to why the immunization is contraindicated based on current accepted medical practice, and specify the length of time the immunization is medically contraindicated, if known. For your convenience, the NYSDOH has provided a sample medical exemption form to document required information in a standardized fashion. This form is available at:

<http://www.health.ny.gov/prevention/immunization/providers/>.

It is the responsibility of the person in parental relationship to the child to provide the physician's signed medical exemption form to the child's school. The school may exclude the child from school if the medical exemption is not sufficiently documented.

***For Additional Resources:***

- See immunization information for providers, vaccine laws, vaccine safety and more on the NYSDOH's Immunization home page at:  
<http://www.health.state.ny.us/prevention/immunization/>
- See immunization information specific for healthcare providers on the CDC's Vaccines and Immunizations home page at: <http://www.cdc.gov/vaccines/hcp.htm>
- See vaccine safety information on the CDC's Vaccine Safety home page at:  
<http://www.cdc.gov/vaccinesafety/index.html>
- See immunization information on general issues surrounding childhood vaccination and safety at the Children's Hospital of Philadelphia Vaccine Education Center:  
<http://www.chop.edu/service/vaccine-education-center/home.html>
- See immunization information for parents about the benefits of vaccination and issues about vaccine concerns: [www.immunize.org](http://www.immunize.org)
- See *"Provider Resources for Vaccine Conversations with Parents"* for materials to help you assess parents' needs, identify the role they want to play in making decisions for their child's health, and then communicate in ways that meet their needs:  
<http://www.cdc.gov/vaccines/hcp/patient-ed/conversations/index.html>