

## **Medical Exemption Review Procedures for Schools Outside New York City and for Non-public Schools in New York City**

Medical exemptions may, but are not required to, be submitted to the New York State Department of Health, (NYSDOH) Bureau of Immunization for review. The Medical Director, Bureau of Immunization, will make a recommendation based on whether the stated contraindication(s)/precaution(s) are determined to be valid and support medical exemption.

### Initial Process:

1. Parent/guardian submits a signed medical exemption statement (DOH-5077) from the student's physician, who must be licensed to practice medicine in New York State, to the school. The medical exemption statement should specify which immunization is detrimental to the child's health, provide information as to why the immunization may be detrimental to the child's health based on a determination that the child has a medical contraindication or precaution to a specific immunization consistent with the contraindication guidance of the Advisory Committee on Immunization Practices or other nationally recognized evidence-based standard of care, and specify the length of time the immunization is medically contraindicated, if known.
2. Principal or person in charge of school (or designee) reviews the exemption statement to determine if it meets Public Health Law (PHL) Section 2164 and 10 NYCRR subpart 66-1, and accepts or denies the exemption based on whether the exemption statement meets the requirements. The school may request additional documentation from the parent/guardian. The parent/guardian may be granted up to 14 days to submit the additional documentation. PHL 2164 requires schools to exclude students who are not in compliance with the law until they come into compliance. The school may grant up to 14 days for students to come into compliance before excluding the students from school.
3. In making a determination on a medical exemption request, the school should seek the appropriate medical consultation (e.g., the school's medical director). If needed following medical consultation, the principal or person in charge of the school (or their designee) may forward the medical exemption request to NYSDOH, Bureau of Immunization for further review and make a recommendation to assist him or her with determining whether to accept or deny the exemption request. The student's redacted immunization record or New York State Immunization Information System (NYSIIS) or Citywide Immunization Registry (CIR) record must also be submitted to determine the student's current immunization status. These documents may be submitted via fax (518-474-5500) or email ([osas@health.ny.gov](mailto:osas@health.ny.gov)) to the School Assessment and Compliance Unit at the Bureau of Immunization.
4. NYSDOH School Assessment Unit staff initially reviews medical exemption requests, consults with a Public Health Program Nurse, and forwards them to the Medical Director for final review. As appropriate, NYSDOH School Assessment Unit staff requests additional supporting details from the school. The student may remain in school while the medical exemption is being reviewed.

**Notification of Decision:**

1. The principal or person in charge of the school (or their designee) is notified in writing of the Medical Director's recommendation.
2. After the appropriate medical consultation has occurred, the principal or person in charge of a school is responsible for making the final determination on the medical exemption request.

**Renewal Process:**

1. A medical exemption must be reissued annually. The principal or person in charge of school (or designee) notifies the parent of the need for renewal. Once the medical exemption statement has been accepted as meeting the requirements of a medical exemption as defined by PHL 2164, the student is deemed to be in compliance with PHL 2164 and allowed to attend school for the academic school year.

Contact Information for the NYSDOH School Assessment and Compliance Unit:

Phone: 518-474-1944

FAX: 518-474-5500

Email: [osas@health.ny.gov](mailto:osas@health.ny.gov)

**Appeal Process for Schools Outside the 5 Boroughs of New York City:**

The parent has 30 days from receipt of the district's written denial of the medical exemption request to send a 310 appeal to the Commissioner of Education. Directions on how to file a 310 appeal are posted on the State Education Department's (SED) website at <http://www.counsel.nysed.gov/appeals>.

Questions regarding the appeal process can be directed to SED Student Support Services 518-486-6090 or [studentsupportservices@mail.nysed.gov](mailto:studentsupportservices@mail.nysed.gov). State Education Department will notify the school if the student's stay has been granted.

**Review and Appeals Process for Public Schools in New York City:**

Contact the Office of School Health at:

28-11 Queens Plaza North, 4<sup>th</sup> Floor, Room 402  
Long Island City, NY 11101  
(718) 391-8383