

The New York State Department of Health
Notification of Legislation Removing Non-medical Exemptions to Required Vaccinations

July 16, 2019

The New York State Department of Health (Department) is sending this letter to remind providers of their important role and responsibility in protecting the public health amid the ongoing measles outbreaks in several counties in New York State. These outbreaks are primarily driving the worst outbreak of measles in the United States in more than 25 years.

To help mitigate this crisis, Governor Andrew M. Cuomo signed new legislation on June 13, 2019 amending Public Health Law (PHL) §2164 (see attached). While preserving the use of medical exemptions to required vaccinations, this legislation no longer permits non-medical exemptions to the requirement that children attending public, private and parochial schools for pre-kindergarten through 12th grade, or attending child daycare settings. Such children must either be vaccinated against measles and other identified infectious diseases, or otherwise provide evidence of immunity to these illnesses, as allowed by law, before presenting to any of the above settings.

The attached medical exemption guidelines are intended for use by 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. These guidelines review medical 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.

It has come to our attention that apparently invalid medical exemptions have been provided to families seeking to avoid required vaccinations. Additionally, we are aware of cases of apparent falsification of medical records, such as New York State Immunization Information System (NYSIIS) records, either on the part of physicians or of the families of patients. As you are aware, physicians found to have participated in these or other fraudulent behaviors will be referred to the Board for Professional Medical Conduct for possible disciplinary action, pursuant to the provisions of Public Health Law and State Education Law.

The Department has also learned of incidents of parents intentionally misleading physicians who are not familiar with their family regarding the true identity of the children they bring to the practice. Parents may bring in a child who is not their own, so that a blood test for immunity can be drawn in another child's name. This may occur more often in urgent care practices, where providers may not know the patients they see. Please remain vigilant in your interactions with families to prevent such illegal behavior and confirm the identity of the child whenever possible.

As in all medical matters, providers are expected to uphold their professional integrity

and abide by all laws and regulations governing the practice of medicine in order to preserve the public health without bias. Your actions and those of your staff can have significant consequences, both positive and negative. There can be no breach in upholding all efforts taken to curb this serious outbreak, for the sake of those who would be unknowingly exposed, made ill and perhaps face potentially serious, long term side effects of the disease.

Physicians and other healthcare providers are reminded once again that under the New York State Sanitary Code (10 NYCRR §2.10), it is mandatory to report certain suspected or confirmed cases of communicable diseases to the local health department of the jurisdiction where the patient resides. Please see the attached list of reportable diseases for the required timing of reporting. Notification must be made by calling the local health department and submitting a confidential case report form (DOH-389) to the applicable local health department, or in New York City, submitting report form PD-16 to the New York City Department of Health and Mental Hygiene.

Please review the additional provider responsibilities described in the attached letter, dated and distributed, April 18, 2019. For questions, please call: (518) 473-4437 or send email to: immunize@health.ny.gov.

As always, we appreciate your cooperation and partnership in protecting the health of all our citizens.

Paula M. Breen
Acting Director
Office of Professional Medical Conduct

Robert A. Catalano, M.D., MBA
Executive Secretary
Board for Professional
Medical Conduct

Attachments:

Public Health Law 2164

Immunization-Related Medical Exemptions for School-Aged Children

Dear CEO, Administrator and Physician Letter: DAL – DHDTTC 19-05

Department of Health, Office of Professional Medical Conduct:

<http://www.health.ny.gov/professionals/doctors/conduct/>