

## The Medical Exemption Form

New York State Department of Health (NYSDOH) [public health law section 2164 Subpart 66-1.3](#) requires a signed, completed medical exemption form approved by the NYSDOH or NYC Department of Education (NYSDOE), **from a physician licensed to practice medicine in New York State** certifying that immunization may be detrimental to the child's health, containing sufficient information to identify a medical contraindication to a specific immunization and specifying the length of time the immunization is medically contraindicated. All medical exemptions must be reissued every 12 months. Annual reissuing of medical exemptions allows a physician to reevaluate the need for an exemption based on the student's current health status.

## Reviewing the Medical Exemption

A student may attend school while a medical exemption is under review. The principal or person in charge of the school (or designee) reviews the exemption form to determine if it meets the criteria. Schools are advised to consult the school medical director as needed regarding medical exemptions.

School medical directors (SMD) may utilize [General Best Practice Guidelines for Immunization: Best Practices Guidance of the Advisory Committee on Immunization Practices \(ACIP\) Contraindications and Precautions and Centers for Disease Control and Prevention \(CDC\) guidance](#) when providing recommendations to principals or persons in charge of the school. Most contraindications and precautions are temporary; vaccinations can often be administered later when the condition leading to a contraindication or precaution no longer exists. However, certain conditions are commonly misperceived as contraindications (i.e., are not valid reasons to defer vaccination).

Following the SMD consult, if questions remain about the validity of a medical exemption request, the principal or person in charge of the school (or designee) may request a review and recommendation from the NYSDOH by:

- Submitting a redacted medical exemption form and the student's redacted immunization record or New York State Immunization Information System (NYSIIS) or Citywide Immunization Registry (CIR) record to determine the student's current immunization status; and
- Submit all documents to the NYSDOH School Assessment and Compliance Unit via fax (518-474-5500) or email [osas@health.ny.gov](mailto:osas@health.ny.gov).

NYSDOH's Medical Director will review the information and notify the school in writing of their recommendations, which may be utilized as a resource in deciding whether to accept or deny the medical exemption. The principal or person in charge of the school determines the final acceptance or denial of the medical exemption status.

## Accepted Medical Exemption

An acceptance letter should be provided to the parent/guardian from the principal or person in charge of the school. A copy should be kept in the student's cumulative health record (CHR).

This acceptance letter must include information about the school's policy and procedures for the exclusion of students with medical exemptions as ordered by the Commissioner of Health [66-1.10](#) during the outbreak of a vaccine-preventable disease for the vaccine(s) the student does not have. Schools (school nurse or designee) must maintain and update a list of susceptible students (medical exemptions, in process, or awaiting serology testing results) who may be excluded from attendance as ordered by the Department of Health.

## Denied Medical Exemption

Schools must inform the parent/guardian of their decision in writing with the specific reason(s) for denial and inform the parent/guardian of their right to an appeal to the Commissioner of Education within 30 days of receipt of the school's decision, pursuant to [Education Law §310](#).

### Legislative and Regulatory Citations related to:

#### Immunization requirements for school attendance

[Public Health Law, Section 2164](#) provides the Statutory Authority for Immunization Requirements.

[Public Health Law Section 2164](#) and [New York Codes, Rules and Regulations \(NYCRR\) Title 10, Subpart 66-1](#) requires every student entering or attending public, private or parochial school in New York State (NYS) to be immune to diphtheria, tetanus, pertussis, measles, mumps, rubella, poliomyelitis, hepatitis B, varicella and meningococcal in accordance with Advisory Committee on Immunization Practices (ACIP) recommendations.

[NYCRR Title 10, Subpart 66-1 Section 66-1.3](#) - Requirements for School Admission

Indicates that:

- (c) A signed, completed medical exemption form approved by the NYSDOH or NYC Department of Education **from a physician licensed to practice medicine in New York State** certifying that immunization may be detrimental to the child's health, containing sufficient information to identify a medical contraindication to a specific immunization and specifying the length of time the immunization is medically contraindicated. The medical exemption must be reissued annually. The principal or person in charge of the school may require additional information supporting the exemption.

#### School Medical Director's role in providing oversight of school health services

[Education Law § Article 19, Section 901](#)

Defines the responsibilities of the school medical director required for all public school districts. It also defines the school health services to be provided.

- § 901 (2) School health services for the purposes of this article shall mean the several procedures, including, but not limited to, medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the child; to inform parents or other persons in parental relation to the child, pupils and teachers of the individual child's health condition subject to federal and state confidentiality laws; to guide parents, children and teachers in procedures for preventing and correcting defects and diseases; to instruct the school personnel in procedures to take in case of accident or illness; to survey and make necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information.

These additional resources, including the Medical Exemption Request Forms (Outside NYC & NYC Only), can be found on [NYSDOH Immunizations - Schools \(K-12\)](#):

- [Medical Exemption Review Procedures for Schools Outside New York City](#) (NYSDOH 5/2022)
- [Guidance on Immunization-Related Medical Exemptions for School-Aged Children](#) (NYSDOH 6/2019)
- [Medical Exemption Statement for Children 0-18 years of Age](#) (Outside NYC)
- [Medical Request for Immunization Exemption](#) (NYC only)