



Office of Children and Family Services

Andrew M. Cuomo
Governor

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Sheila J. Poole
Commissioner

Administrative Directive

Transmittal:	19-OCFS-ADM-10
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Child Welfare and Community Services
Date:	August 22, 2019
Subject:	Removal of Non-Medical Exemptions from Vaccines
Suggested Distribution:	Directors of Social Services Child Protective Services Supervisors Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators
Contact Person(s):	See VI
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NEW YORK STATE Regs.	Soc. Serv. Law and Other Legal Ref.	Manual Ref.	Misc. Ref.
			Public Health Law (PHL) §2164 State Education Law (SEL) §3205		

I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of the enactment of Chapter 35 of the Laws of 2019 (Chapter 35) removing non-medical exemptions from school and child day care vaccination requirements for children.

II. Background

On June 13, 2019, Governor Andrew M. Cuomo signed Chapter 35 of the Laws of 2019 removing religious exemptions from school and child day care vaccination requirements for children. State law¹ requires every student entering or attending public, private or parochial school in New York State to receive adequate doses of immunizing agents against diphtheria, tetanus, pertussis, measles, mumps, rubella, poliomyelitis, hepatitis B, varicel, meningococcal, haemophilus influenzae type b (Hib), and pneumococcal disease in accordance with the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP) recommendations. Previously, the law allowed for two exemptions from vaccination requirements:

1. If immunization would be detrimental to the child's health, as certified by a licensed physician
2. For children whose parent(s) or guardian(s) held genuine and sincere religious beliefs which were contrary to immunization

At the time of this policy's release, the United States is experiencing the worst outbreak of measles in more than 25 years, with outbreaks in pockets of New York State primarily driving the crisis. As a result of non-medical vaccination exemptions, many communities across New York State experience low rates of vaccination. Unvaccinated children often attend school where they may spread the disease to other unvaccinated students, some of whom cannot receive vaccines due to medical conditions. Chapter 35 eliminates the religious exemption to vaccination requirements, thereby protecting public health from outbreaks of contagious diseases. Medical exemptions are not impacted.

III. Program Implications

As of June 13, 2019, in New York State, there is no longer a religious exemption to the statutory requirement that children be vaccinated against measles and other diseases to attend either

- public, private or parochial school (for students in pre-kindergarten through 12th grade); or
- child day care settings.

The New York State Office of Children and Family Services (OCFS), the New York State Department of Health (DOH) and the New York State Education Department (SED) released a joint notification on June 14, 2019 advising schools and child day care settings of the elimination of the religious exemption, followed by the release of *Frequently Asked Questions About Legislation Removing Non-Medical Exemptions from School Vaccination Requirements*, which can be found here:

https://www.health.ny.gov/publications/2170/docs/nonmedical_vaccine_exemption_faq.pdf

The notification required children who had a religious exemption to have received the first age appropriate dose in each immunization series by June 28, 2019 to attend or remain in school or child day care.

¹ §2164 of the Public Health Law

¹ http://www.p12.nysed.gov/sss/documents/new_legislation_joint_statement.pdf

¹ http://www.p12.nysed.gov/sss/documents/new_legislation_joint_statement.pdf

The notification also required that by July 14, 2019, parents or guardians must have shown that appointments have been made for such children for all required follow-up doses. The deadlines for follow-up doses depend on the vaccine. DOH follows ACIP's catch-up immunization schedule and expects children to receive required doses consistent with Table 2 at the following link to continue to attend school or child day care:

<https://www.cdc.gov/vaccines/schedules/downloads/child/0-18yrs-child-combined-schedule.pdf>

The change in law does not impact valid medical exemptions. A valid medical exemption must

- be on a sample medical exemption form issued by DOH <https://www.health.ny.gov/forms/doh-5077.pdf> or the New York City Department of Health and Mental Hygiene, or on a signed statement that certifies that the immunization may be detrimental to a child's health;
- be signed by a physician licensed to practice medicine in New York State;
- contain sufficient information to identify the medical contraindication to a specific immunization; and
- be confirmed annually.

IV. Required Action

Immediately upon the release of this ADM, LDSSs should review the records of children in foster care, and identify all children who have not received vaccinations due to a religious exemption.

The LDSS or VA, as appropriate, must contact the physicians of children who previously received a religious exemption to schedule the first dose in each immunization series, and make appointments for all required follow-up doses. This requirement applies to children in foster care who are, or will be, attending

- public, private, or parochial schools (for students in pre-kindergarten through 12th grade); or
- licensed or registered child day care programs.

Children in foster care attending post-secondary institutions are not impacted and may continue to receive religious exemptions.

For children in foster care who previously received a religious exemption and are enrolled, or will be enrolled, in a licensed or registered child care programs; the LDSS or VA, as appropriate, must contact such programs and demonstrate that such children have received first-dose vaccinations, or the date they will be receiving such vaccinations. The LDSS or VA, as appropriate, must show that appointments have been made for all required follow-up doses to complete the immunization series.

For school-age² children in foster care; the LDSS or VA, as appropriate, must contact the local educational agencies in which the children are, or will be enrolled, to demonstrate that such children have received the required vaccinations, or the date they will be receiving

² Children who become 6 years of age on or before the first of December in any school year are required to attend school full-time until the last day of the school year in which the child turns 16 years of age (§3205 of the State Education Law).

such vaccinations. The LDSS or VA, as appropriate, must show that appointments have been made for all required follow-up doses to complete the immunization series.

LDSSs and VAs should make reasonable efforts to engage the parents of children who previously had a religious exemption, whose parental rights have not been terminated, regarding the elimination of such exemption. LDSSs and VAs should explain the impact of the change in law and the importance of continuity in the child's educational environment.

V. Systems Implications

LDSSs and VAs must document updated medical information, including immunizations, in the child's case record.

VI. Contacts

Any questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

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VII. Effective Date

Effective immediately

/s/ Lisa Ghartey Ogundimu

Issued by:

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Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services