



**PHYSICIAN'S CERTIFICATION
WITH REGARD TO MEDICAL EXCUSE FROM VACCINATION**

Rima E. Laibow, M.D. certifies as though under Oath:

1. I am a Licensed Physician in New York State (License No. 111813) where I have practiced medicine for over 49 years. I am board-qualified in child and adolescent psychiatry, with no restrictions on my license.
2. I was contacted on behalf of a minor child subject to the New York mandatory school vaccination law, for the purpose of examining the minor child and reviewing the medical records thereof, to determine whether “it be apparent or can be shown with reasonable certainty that he is not at the time a fit subject of vaccination or that vaccination, by reason of his then condition, would seriously impair his health or probably cause his death...”¹ or would otherwise be detrimental to the child’s health.
3. I have determined to my satisfaction, as a learned intermediary for the minor child, that the examination, when conducted, and records would show that the minor child is not a fit subject of vaccination since the vaccinations required, over the period of time required, would be detrimental to the child’s health.
4. In part I have made that determination based on my knowledge of vaccination as a medical procedure, and the lack of adequate safety testing of vaccines to enable a physician as learned intermediary to provide accurate probable risk and/or safety information to patients so that a proper Informed Consent determination, appropriately based on such information, whether to vaccinate or not may be made. In this context I have reviewed Institutes of Medicine (IOM) Reports regarding vaccine safety and adverse reactions spanning the period from 1991 through 2014. These Reports show serious underreporting of vaccine adverse reactions and show that the Advisory Committee on Immunization Practices (ACIP) recommendations regarding vaccine adverse reactions is woefully inaccurate, failing to include significant reactions that must be considered by any ethical physician when advising patients regarding their right of Informed Consent and whether the vaccination will be detrimental to health.
5. I am aware that, pursuant to Section 8 of New York’s recently adopted mandatory school vaccination law, PHL 2164 (8), I am authorized to utter Medical Excuses regarding Vaccination.

That Section provides:

“If any physician licensed to practice medicine in this state certifies that such immunization may be detrimental to a child’s health, the requirements of this section shall be inapplicable until such immunization is found no longer to be detrimental to the child’s health.”

6. I am, however, also aware of regulatory language which purports to impose additional restrictions on my licensed authority to practice medicine and express my medical opinion as a learned intermediary. I understand the restrictions may be couched as an “emergency” measure based on an alleged measles outbreak which in my professional opinion did not actually occur, and in any event has now expired.
7. Among the restrictions is a requirement that I do *not* find in Section 8 of the statute that my opinion must only be based on the AICP’s inadequate vaccination adverse reaction guidelines. These guidelines, as shown in the aforesaid IOM reports, do not include all potential adverse reactions. Because of this requirement, I am unable to practice medicine as authorized by the New York Medical Practices Act, and I am prevented from freely expressing my professional opinion as learned intermediary. Further, I am compelled to express as “my” medical opinion only those statements approved by the Federal guidelines, whether they coincide with my actual professional medical opinion as learned intermediary or not. My license to practice medicine and my right to freely express my opinion have been taken from me and I am compelled to express only officially approved opinions or remain silent. Silence may very well condemn my patient to suffer a vaccine adverse reaction. This would be contrary to long-standing medical ethics. The United States Supreme Court held in 1905, “...if it be apparent or can be shown with reasonable certainty that he is not at the time a fit subject of vaccination or that vaccination, by reason of his then condition, would seriously impair his health...” a person cannot be subjected to mandatory vaccination.²

¹Jacobson v. Commonwealth of Massachusetts , 197 U.S. 11 (1905)

²Jacobson v. Commonwealth of Massachusetts , 197 U.S. 11 (1905)

8. Furthermore, state regulation subjects my licensed practice of medicine, my medical opinion and my utterance of a Medical Excuse to approval by a school official who may not be a licensed physician (and therefore would be practicing medicine without a license). Whether the school official is a licensed physician or not, however, this approval requirement places restrictions on my medical license and my exercise of my professional activities which are both burdensome and unreasonable. My right to speak as the learned intermediary for the minor child, and thus the child's right to speak, is chilled by this requirement that some other person approve my statement.

9. The state regulation requires that I sign a Federal form certifying that I am in compliance with the Federal adverse reaction guidelines of the ACIP or Centers for Disease Control guidelines (CDC) even though I believe such guidelines to unlawfully interfere with the rights of the physician and patient to voluntary informed consent, freedom of conscience and freedom of speech, preventing me from asserting my role as a licensed physician. That form is attached as Exhibit A.

10. The State Regulation places a non-statutory restriction on my otherwise unrestricted license to practice medicine.

11. Further, since exposing a patient to a procedure or other intervention which is likely to be detrimental, either my compelled silence or my compelled participation by signing the state-required forms constitutes a category of malpractice. As a licensed physician I am well-aware of the ethical standards and constraints placed upon me. The medical profession is directed by the ethical principles of the Nuremberg Code³ enforced by the United States government by executing physicians violating these principles as an outcome of the Subsequent Nuremberg Trials. The offenses for which the Nazi doctors were executed by the United States are exactly parallel to what the State of New York seeks to compel me and every other physician in the State to do: *knowingly impose harm and violate the right of Informed Consent*.

12. Neither the state regulation nor the Statute Section 8 provides protection for me or my license if a patient holds me liable for harm done when I knew that the procedure, including multiple "catch-up" injections, to which my participation or lack thereof would expose them is detrimental to the health.

13. My role as a licensed physician is compelled and the compulsion includes not only requiring me to utter opinions with which I do not, in fact, agree, but also placing me in legal jeopardy while at the same time putting the patient in jeopardy of detriment to health.

14. I have prepared the Certification of Medical Excuse required by the Statute Section 8 that I would issue if I were not effectively prevented from doing so by the state regulation and attach a copy hereto as Exhibit B.

15. I note the holding of the United States Supreme Court, even a "...diminished expectation of privacy does not diminish the... privacy interest in preventing a government agent from piercing the... skin. And though a blood test conducted in a medical setting by trained personnel is less intrusive than other bodily invasions, this Court has never retreated from its recognition that any compelled intrusion into the human body implicates significant, constitutionally protected privacy interests..."⁴

16. I am however, under the terms of the state regulation, unable to assert my role as a licensed physician that the health of this minor child will suffer detriment if the child is compelled to be vaccinated against the advice of the learned intermediary and without fully voluntary Informed Consent.

I certify that the above statements made by me are true and accurate. I am aware I am subject to punishment as for perjury if any are willfully false.

Dated: November ___ 2019

Rima E. Laibow, M.D.



<http://tinyurl.com/AVDcard>

³ <http://www.hhs.gov/ohrp/archive/nurcode.html>

⁴ Missouri vs McNeely, 569 US 141 (2013)