

ALAN G. HEVESI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

October 21, 2004

Dr. Matthew Goldstein
Chancellor
The City University of New York
535 East 80th Street
New York, New York, 10021

Re: Immunization Compliance
Report 2004-S-3

Dear Chancellor Goldstein:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1, of the State Constitution and Article II, Section 8, of the State Finance Law, we audited the City University of New York's (CUNY) compliance with Section 2165 of the State Public Health Law which requires certain students to meet measles, mumps and rubella (MMR) immunization requirements. Our audit covered the period July 1, 2002 through May 31, 2004, focusing on students enrolled for the fall 2003 term.

A. Background

The City University of New York, the largest urban university in the nation, has 11 senior colleges, 6 community colleges, a graduate and a law college. Over 200,000 students attended CUNY colleges in the fall 2003 term. To implement the requirements of Section 2165 of the State Public Health Law (Law), the CUNY Tuition and Fee Manual states that all degree and non-degree students born after December 31, 1956, who are registered for six or more credits, are prohibited from attending classes until they provide proof or documentation that they received two immunizations for measles and one immunization each for mumps and rubella. In lieu of such proof, the student may receive inoculations at the college or present a physician's report indicating that the student has developed immunity from previous exposure to the disease. In addition, exemptions from the inoculations may be given for medical or religious reasons.

According to CUNY's Immunization Policy and Procedures Manual (Manual), immunization records are reviewed by college personnel and the results are input onto the Student Information Management System (SIMS). This file is maintained for ten years electronically. Any hard copy proof of inoculation need only be retained for two years by the college. CUNY procedures require that the registration for all students entering the college be blocked until these immunization requirements are met. If the student does not present satisfactory proof that the immunization requirements have been met, the student should be excluded from attending class and the

disbursement of financial aid should be prevented. In addition, the student is to be given a withdrawal with approval (WA) grade for any registered courses, and should be restricted from future class registration.

CUNY's Central Office of Student Health Services (SHS) oversees compliance with the immunization requirement at the 19 CUNY campuses. SHS disseminates information, conducts meetings with each campus Health Service Officer and arranges for clinics where students can receive their required inoculations. At the end of each calendar year, each college is required to submit a report to SHS indicating the total number of students who were enrolled for six or more credits and either received the required measles, mumps, or rubella immunizations, or obtained medical or religious exemptions. SHS compiles and summarizes these data in an annual New York State Post-Secondary Immunization Survey (Survey) report to the New York State Department of Health (Department).

B. Audit Scope, Objectives and Methodology

We audited CUNY colleges' compliance with immunization requirements between July 1, 2002 and May 31, 2004, focusing on students enrolled for the fall 2003 term. The main objective of our performance audit was to determine if CUNY was complying with the Law that requires certain students to be immunized against measles, mumps and rubella diseases. We also determined if records of immunizations were properly stored by the campuses and reported correctly by SHS to the Department.

To accomplish our objectives we obtained from CUNY Central Administration a listing of the students attending the 19 CUNY colleges who were born after 1956 and registered for six or more credits for the fall 2003 semester. We selected a random sample of 210 students and visited the colleges to determine if proper procedures were followed and proper records were maintained. We projected our sample results to the entire CUNY student population.

We conducted our audit in accordance with Generally Accepted Government Auditing Standards. Such standards require that we plan and perform our audit to adequately assess those operations of CUNY and each of the colleges that are the subject of our audit. Further, these standards require that we understand CUNY's and the individual colleges internal control structure and its compliance with those laws, rules and regulations that are relevant to the operations which are included in our audit scope. An audit includes examining, on a test basis, evidence supporting transactions recorded in the accounting and operating records and applying such other auditing procedures as we consider necessary in the circumstances. An audit also includes assessing the estimates, judgments and decisions made by management. We believe that our audit provides a reasonable basis for our findings, conclusions and recommendations.

In addition to being the State Auditor, the Comptroller of New York State performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State, several of which are performed by the Division of State Services. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may

be considered management functions for purposes of evaluating organizational independence under Generally Accepted Government Auditing Standards. In our opinion, these management functions do not affect our ability to conduct independent audits of program performance.

C. Results of Audit

We conclude that CUNY has substantially met the requirements of the Public Health Law for the period July 1, 2002 through May 31, 2004. Based on the results of our sample, we are 97.5 percent confident that the true rate of error was less than 1.41 percent of the population. We also found that the records, for the most part, were properly stored in secure locations. However, we did note that there were some inconsistencies in what was an acceptable level of documentation for proof of immunization and proof for granting medical and religious waivers. We also note that colleges did not report the number of students subject to the requirements in a consistent manner. However, these matters did not affect CUNY'S compliance with the requirements of the Public Health Law.

1. Compliance with Immunization Requirements

For each of the 210 students in our sample, we visited the college campus and reviewed the student's record on the college's SIMS system (or an alternate data system in the case of two schools) to determine if the student was recorded as having been immunized, was granted an exemption, or was in non-compliance. If students were recorded as being immunized or granted an exemption, we reviewed the supporting documentation. If they were not in compliance, we determined if they were given a WA grade for the fall 2003 semester and also blocked from registering for the spring 2004 semester.

Based on our review of the 210 students we determined that 209 students had received their immunization inoculations as required. We found only one student who was recorded as not satisfying the immunization requirement and yet was allowed to attend classes. The record for this student (at the Borough of Manhattan Community College) indicated that he had not met the immunization requirement. Despite not having met the immunization requirement, this student was allowed to attend the spring 2003, fall 2003 and spring 2004 semesters. In addition, he was not given a WA grade for the courses he completed in the spring 2003 and fall 2003 semesters. Subsequent to our March 18, 2004 site visit, college officials provided documentation that the student obtained the required inoculation on March 24, 2004. From a total population of 160,679, we are able to estimate, with a 97.5 percent confidence level, that the true rate of error is equal to or less than 1.41 percent. We believe that this indicates CUNY was in substantial compliance with the requirements of the Public Health Law. The results also indicate that CUNY has exceeded their own internal goal of achieving a 95 percent compliance rate.

We did note that there was some need to improve the quality and storage of the documentation. For four students in our sample, the documentation needed to be improved. For example, the supporting record for one of these four students did not include an authorized signature or stamp from the health center denoting its authenticity. In another instance there was a computer printout entitled, "New York City Public Schools Immunization Display" but it was not clear which school the student attended and there was no authorized signature or stamp from a school official.

2. Immunization Exemptions

Based on Department regulations, CUNY policy allows exemptions from the immunization requirements for religious or medical reasons. In order to qualify for a religious exemption, a student under 18 years old must submit a written statement signed by the parents or guardian stating that they hold religious beliefs contrary to the practice of immunization. Students who are 18 years old or older must submit such a statement themselves. This statement must describe the beliefs in sufficient detail to permit the institution to determine that the beliefs are religious in nature, not philosophical and the beliefs are sincerely and genuinely held. For a medical exemption, a licensed physician or nurse practitioner must certify that the student has a health condition, which is a valid contraindication for receiving a specific vaccine, then a permanent exemption or a temporary waiver (for conditions such as a pregnancy) may be issued. For medical waivers, records need to be periodically reviewed to see if the medical contraindications still exist.

According to the annual report submitted by SHS to the Department for 2003, there were 287 students in the 19 schools who were given religious exemptions and 196 students who were given medical exemptions. At 18 of the 19 colleges, the number of students with religious exemptions was relatively small, ranging up to 33 students at one school. However the College of Staten Island (CSI) reported that they had granted exemptions for religious reasons to 107 students, a seemingly high number given the size of the campus. Our visit to CSI found that an error had been made in the SIMS report used by CSI. There were only 11 CSI students given religious exemptions and another six CSI students were given medical exemptions. (CSI and SHS officials stated that the SIMS report upon which CSI's survey report was prepared must have been in error. However, neither CSI nor SHS officials were able to identify for us why this occurred.)

As part of our testing we decided to review the supporting documentation for the CSI students who were granted exemptions on religious grounds and noted that in 8 of 11 cases, the supporting documentation did not appear to fully meet CUNY requirements. (These cases were not part of our original random sample and thus their results are not projectible to the entire population.) For 5 of the students, there was no indication as to what religions the students attested to believe in. For another 3 students, all from the same family, the explanation stated that they were simply members in a particular organized religion. SHS officials agreed that the written explanations on file were not sufficient to justify the religious exemption. For one of six medical exemptions that we further tested at CSI, the only supporting documentation was a printout from SIMS that the student had been granted a medical exemption during previous attendance at Brooklyn College. The CSI officials did not determine if the exemption was permanent or temporary. It appears that college officials need to be given clearer instructions as to what documentation is needed to grant a religious exemption.

3. Consistency of Reporting

The Department requires all colleges to submit an annual Survey report that details the level of compliance with the immunization requirements. Each CUNY college completes a Survey form for its own campus and submits it to the CUNY SHS office. The SHS office compiles the results and submits a consolidated Survey report to the Department. On the Survey, CUNY is required to report:

- the total number of students born after December 31, 1956, who are enrolled in six or more credit hours,
- the number who have met the immunization requirements, and
- the number who have exemptions due to religious or medical reasons.

According to Department officials, the numbers reported on the Survey form should be a snapshot of one semester's enrollment information to avoid duplicate counting of students.

We found that the Survey results were not always prepared accurately or consistently between the CUNY colleges. For example, the colleges should report the appropriate numbers for all degree and non-degree students. We found that all of the colleges, except the College of Staten Island, omitted the non-degree students from the Survey report. As a result, approximately 12,700 students were not reported on the Survey document submitted by the SHS to the Department. At City College, we found that they did not take a snapshot of the fall semester when preparing their report. Instead, it reported information for both the fall and spring semesters. This resulted in over reporting of students by about 8,500.

According to CUNY officials, the only instructions given to colleges regarding compilation of data for the report are written on the Survey form. There is no clear instruction indicating whether the data should be for the whole college year or for only the fall semester. There is no instruction whether non-degree students who take six or more credits should be included or excluded from the report. Further, the SIMS report was not programmed to count the number of non-degree students who were required to be immunized. For the reporting process to be meaningful, immunization statistics must be reported accurately and consistently throughout the CUNY system. Clear guidelines must be established and the various colleges must adhere to these guidelines.

4. Security Over Immunization Files

According to CUNY's Manual, health records containing student information must be stored in a secure place and are not to be released or made accessible to any individual outside of the Health Office personnel. At 18 of the 19 colleges, the students' immunization records were kept secure in the college's health office. At Baruch, students' immunization records were kept in three separate unsecured locations. One portion of the records was kept in the Admissions Office in an open area where the files were left unattended. Another portion of the records was kept in the Registrar Office, while the third portion of the records was kept in another building in the Undergraduate Admission and Information Center. These files were kept in boxes in an open hallway.

At Baruch, the Health Office was recently relocated from the Registrar Office to the Admissions Office and Baruch officials need to improve security over these records. The student immunization records include names, addresses, health information and telephone and social security numbers. Unauthorized personnel or students should not have access to this information as it could be used for inappropriate reasons. We recommended that these records be consolidated and secured.

Recommendations

- 1. Maintain and file records of student immunizations properly in a secure location.*
- 2. Issue guidelines to all colleges detailing what is acceptable documentation of immunization and provide clarification to the colleges regarding what is acceptable documentation for religious waivers.*
- 3. Determine why students without religious or medical waivers are included in the totals for those categories on the SIMS report at CSI. Adjust the report so that the correct total for these categories is calculated.*
- 4. Provide clear instructions to all colleges indicating how the data for the annual immunization compliance report is to be compiled and reported.*

We provided draft copies of the report to CUNY officials for their review and comment. Their comments have been considered in the preparation of this report and are include in Appendix A. CUNY officials stated that judging from the audit's results; they have maintained an effective program for complying with student immunization requirements in a time of limited resources and budget constraints. They were pleased that our audit confirmed the high immunization compliance rate of CUNY. They also stated that they would take additional steps to ensure that all colleges are familiar with and adhere to proper immunization procedures and agreed to implement our recommendations. In addition, CUNY officials stated that the discrepancy in students given religious exemptions at the CSI stems from students enrolled in a unique overseas program being included in the religious exemption totals. They agreed to clearly distinguish those students from religious exemptions in future reports.

Within 90 days after final release of this report, we request that the Chancellor of the City University of New York report to the State Comptroller, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

Major contributors to this report were Karen Bogucki, Tom Trypuc, Keith Murphy, Bebe Hussain Belkin and Katrina Lau.

We wish to thank the management and staff of the City University of New York for the courtesies and cooperation extended to our auditors during this audit.

Very truly yours,

Steven E. Sossei
Audit Director

cc: David Rankert, CUNY Internal Audit