

STATE OF NEW YORK : DEPARTMENT OF HEALTH

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In the Matter of :

**SANDRA MICELI, NP** :  
Surviving Naturally :  
Town of Webster, Monroe County, New York :  
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**STIPULATION AND ORDER**

WHEREAS, Sandra Miceli (“Miceli”) was a licensed nurse practitioner and registered professional nurse authorized by the New York State Department of Health (the “Department”) to provide information to the New York State Immunization Information System (“NYSIIS”);

WHEREAS, the Department conducted an investigation of purported vaccination information that Miceli provided to NYSIIS from July 2019 through February 2021;

WHEREAS, the investigation determined that Miceli violated Article 21, Title 6, Section 2168 of the Public Health Law (the “Immunization Registry Law”) by unreasonably and in bad faith providing false information about vaccinations that never occurred and purported vaccinees who were not vaccinated;

WHEREAS, the Commissioner of Health (the “Commissioner”) is responsible for enforcing Public Health Law (“PHL”) and has the authority to bring enforcement proceedings, levy monetary penalties, seek injunctive relief, and refer criminal charges against parties that have violated PHL and associated regulations; and

WHEREAS, before beginning enforcement action, the Department and Miceli engaged in settlement discussions and wish to resolve the matter by means of a Stipulation and Order.

NOW THEREFORE, in connection with an agreement to resolve this matter without further proceedings, the Department finds as follows:

## THE DEPARTMENT'S FINDINGS

### *Miceli and Surviving Naturally*

1. Miceli was a Nurse Practitioner in Family Health and a Registered Professional Nurse licensed by the New York State Department of Education (Lic. Nos. 333878 and 509439). Since 2014, she had owned and operated Surviving Naturally, a “natural wellness center” located in the town of Webster, Monroe County, New York.

2. At Surviving Naturally, Miceli and her staff provided alternative healthcare of various types and offered “natural cosmetology.” Promotional materials described Miceli’s practice as involving “a holistic and compassionate approach to guide people to full body wellness with natural methods.”

### *Promotion of Anti-Vaccination Sentiment*

3. Through Surviving Naturally social media accessible to the public and generally used to advertise the center and its services, Miceli had long promoted opposition to vaccines and vaccine mandates. This included at times and in ways immediately relevant to the Department’s investigation.

4. From when she first opened Surviving Naturally in 2014 through at least 2021, Miceli regularly posted material on the Surviving Naturally Facebook page that linked certain vaccines to “unidentified contaminants,” autism, miscarriage, cancer, and death. In October 2018, two months after Surviving Naturally purportedly administered its first childhood vaccination, Miceli posted a link to an article alleging a historical connection between vaccine manufacturers and Nazi war criminals. In January 2019, approximately six months before she began reporting purported immunization information to NYSIIS, Miceli posted in opposition to a bill that had been introduced in the New York State Senate eliminating non-medical exemptions to school

immunization requirements. Invoking threats to “freedom” and “our future,” she implored readers to sign an online petition against it.

*Repeal of Non-Medical Exemptions from Mandatory School Vaccinations*

5. On June 13, 2019, legislation ending non-medical exemptions from New York’s school vaccine requirements took effect. This was the same legislation that Miceli had advocated against earlier that year. With the change in law, families of unvaccinated and undervaccinated children who had previously qualified for non-medical exemption were, for the first time, required to show proof of age-appropriate vaccinations to attend any school or day care in New York.

6. Two weeks later, on June 28, 2019, Miceli responded to the statutory amendment by posting a link on Surviving Naturally social media to what she called a “[m]ust watch” video alleging public corruption behind the law and calling on the FBI to investigate.

*Miceli and the New York State Immunization Information System (“NYSIIS”)*

7. On June 20, 2019, exactly one week after the change in the student-immunization law and less than three months before the start of the 2019-2020 school year, Miceli enrolled Surviving Naturally in NYSIIS—the public-health database run by the Department and used to collect, store, and disclose vaccination records.

8. Under the Immunization Registry Law, healthcare providers are required to submit information to NYSIIS about any vaccination administered to an individual under 19 years old. (With the consent of the vaccinee, they may also submit information about any vaccination they administer to an adult.) Once submitted, the information is used by medical professionals, public-health officials, school administrators, and other authorized NYSIIS users responsible for reducing illness, disability, and death caused by vaccine-preventable diseases.

9. Miceli began submitting ostensible immunization information to NYSIIS on July 2, 2019, and continued until the Department suspended her NYSIIS account on February 2, 2021. During that time, she reported a total of 546 vaccinations administered to 116 vaccinees, all children school-age or younger. While most lived in Monroe County, some of the purported vaccinees lived in Allegany, Erie, Livingston, Ontario, Steuben, Tompkins, and Wayne counties. Others were from as far away as Albany and Richmond counties.

10. Specifically, Miceli reported administering 524 vaccinations to 114 patients. These included a Tdap vaccination that she had purportedly administered to an 11-year-old child in August 2018, approximately ten months *before* she enrolled in NYSIIS. Miceli also submitted information to NYSIIS about 22 purported “historical” vaccinations—*i.e.*, vaccinations purportedly administered by other providers who had not submitted the information to NYSIIS themselves.

*Misuse of NYSIIS to Falsely Report Required School Immunizations*

11. In truth, none of the vaccinations that Miceli reported to NYSIIS were administered by her or anyone else. Instead, **Miceli misused NYSIIS by falsely reporting that her patients had received required immunizations when they in fact had not.**

12. To report immunizations that never occurred, Miceli frequently used the tradenames and manufacturer lot numbers of a small supply of vaccines that she had purchased in July and August 2019 for that purpose. For example, in August 2019 Miceli ordered a single 5-dose vial of Pentacel, a combination DTap-IPV/Hib vaccine for children 6 weeks through 4 years old, with Lot No. UJ017[XXX].<sup>1</sup> Re-using that unique alphanumeric identifier each time, Miceli falsely reported administering 154 doses of Pentacel—over *30 times* the number of doses that she had

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<sup>1</sup> The full manufacturer lot number, as used by Miceli, is redacted here.

purchased—between August 2019 and January 2021.

13. In other instances, Miceli used a lot number assigned to a particular vaccine to falsely report her purported administration of a different vaccine altogether. For example, over a period of approximately a year and a half, Miceli repeatedly used a lot number associated with Tenivac TD, a tetanus and diphtheria toxoids vaccine that she had ordered one 10-dose vial of in July 2019, to misreport administration of the vaccines Adacel, Menactra, and Pentacel in addition to Tenivac TD itself. She also reported administering vaccines that she had never purchased or possessed in any amount and reported “historical” vaccinations without a legitimate basis for believing that another provider had in fact administered the purported immunizations.

14. In the end, except for two titers that Miceli reported to NYSIIS in September 2019, every submission Miceli made to the Department’s database involved disinformation about a purported vaccinee who had in fact received no vaccine and a purported immunization, supposedly administered on a particular date, that had in fact never occurred.

Violation of Public Health Law

15. Miceli did not report to NYSIIS information about vaccinees and vaccinations, submit to NYSIIS information in a format prescribed by the Commissioner, submit to NYSIIS the national immunization program data elements and other elements required by the Commissioner, or otherwise report to NYSIIS reasonably and in good faith, in violation of PHL §§ 2168(3)(a)(i), (5)(a), and (14) and 10 NYCRR § 66-1.2(c)(1).

NOW THEREFORE, to resolve this matter without further proceedings, the Department and Miceli stipulate and agree to the following terms and conditions:

## SETTLEMENT PROVISIONS

### Monetary Penalty

16. Pursuant to PHL §§ 12(a)(1) and 206(4), Miceli is assessed a monetary penalty of Fifty-Five Thousand Dollars (\$55,000.00). Miceli shall pay Thirty Thousand Dollars (\$30,000.00) of such penalty within ten (10) business days of the effective date of this Stipulation and Order, as defined in Paragraph 33, by sending a certified check or money order in that amount, payable to the New York State Department of Health, to the New York State Department of Health, Bureau of Accounts Management, Room 2748, Corning Tower, Empire State Plaza, Albany, New York 12237-0016. The remainder of the penalty shall be suspended contingent upon Miceli achieving and maintaining full compliance with the PHL, associated regulations, and all terms set forth in this Stipulation and Order.

17. If Miceli fails to achieve and maintain full compliance with the PHL, associated regulations, and all terms set forth in this Stipulation and Order, she shall pay the full amount of the suspended monetary penalty within thirty (30) days of written demand by the Department. Such demand shall in no way bar the Department from pursuing any additional enforcement action pursuant to this Stipulation and Order and applicable to any new violation(s).

18. Neither Miceli, Surviving Naturally, nor any successor thereto shall seek or accept, directly or indirectly, reimbursement or indemnification with respect to payment of the penalty amount, or any portion thereof, including but not limited to reimbursement and indemnification made pursuant to any fundraising, crowdfunding (*e.g.*, "GoFundMe"), or donation-collection effort.

19. Any amount of the monetary penalty not paid by the dates prescribed herein shall be subject to all provisions of law related to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest, late payment charges, and collection

fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits and licenses.

Remediation, Exclusion, and Prohibition

*Deletion of False Vaccination Information and Prohibition Against Further Acts*

20. The Department shall, without delay, delete from NYSIIS all false immunization information submitted by Miceli. As described above, this includes all vaccination information reported to NYSIIS by Miceli through Surviving Naturally. Two titers of a patient whose identity is known to the Department, reported by Miceli in September 2019, are exempt from deletion.

21. Miceli shall in no way facilitate, aid, abet, endorse, recommend, advise, conspire with, or otherwise participate in any scheme or attempt to misrepresent any individual as having received immunization that the individual in fact has not received. For clarification, this includes, but is not limited to, participating on behalf of any of Surviving Naturally patients and their families in challenge to administrative action taken by a school, day care, college, business, or any other entity or institution as a result of the Department's Findings and providing any assistance to past, present, or future patients in evading required vaccinations.

*Exclusion from NYSIIS*

22. Miceli and Surviving Naturally, and any successor thereof, shall, upon the effective date of this Stipulation and Order, be permanently excluded from NYSIIS. Specifically, they shall be barred from directly accessing, or attempting to directly access, NYSIIS in any way and for any purpose; applying for, or attempting to apply for, a NYSIIS account or NYSIIS access; and permitting any individual or entity to apply for, or attempt to apply for, a NYSIIS account or NYSIIS access on their behalf. Any access or attempted access of NYSIIS by Miceli, Surviving Naturally, any successor of Surviving Naturally, or an agent acting on their behalf, shall be

unauthorized, trespassory, and in violation of this provision and any applicable law, regulation, order, or term of use.

*Prohibition Against Administering Certain Vaccinations*

23. Miceli and Surviving Naturally, and any successor thereof, shall, upon the effective date of this Stipulation and Order, permanently refrain from administering any vaccination that must be reported to NYSIIS.

Evidence of PHL Violations

24. To resolve this administrative matter, Miceli admits to the existence of substantial evidence of violations of PHL §§ 2168(3)(a)(i), (5)(a), and (14) and 10 NYCRR § 6-1.2(c)(1). Notwithstanding any other provision of this Stipulation and Order, the admission is without prejudice to Miceli's rights, defenses, and claims in any other proceeding, action, hearing, investigation, or litigation not involving the Department or any of its boards or councils authorized by the PHL.

Full and Complete Cooperation

25. Miceli commits and agrees that she will fully cooperate with the Department regarding all terms of this Stipulation and Order.

Further Action by the Department

26. Provided that Miceli complies with the terms of this Stipulation and Order, this matter is settled and discontinued with prejudice. The Department shall not pursue administrative, civil, or criminal enforcement against Miceli pursuant to PHL §§ 12-a and/or § 12-b and 10 NYCRR Part 51, or on any other basis, in connection with Miceli's NYSIIS activity from June 2019, when her NYSIIS account was first activated, to February 2021, when it was suspended.

27. Miceli and the Department agree that nothing in this Stipulation and Order shall bar the



Department, the Office of the Medicaid Inspector General, or both from any investigative and enforcement action related to Medicaid billing by and Medicaid enrollment of (i) Miceli, (ii) Surviving Naturally, and/or (iii) any other individual or entity whatsoever.

Waiver of Rights

28. Miceli submits to the jurisdiction of the Department.

29. Miceli understands and agrees that no provision of this Stipulation and Order is subject to review in any court, tribunal, or agency outside of the Department.

30. Miceli and the Department further stipulate and agree that there exist valid and sufficient grounds, as a matter of fact and law, for the issuance of this Stipulation and Order under the PHL and Miceli consents to its issuance, accepts its terms and conditions, and waives any right to challenge it in any action or proceeding including, but not limited to, a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

Parties Bound

31. This Stipulation and Order is binding on Miceli, Surviving Naturally, its successor(s), and the Department. It does not bind any other state or local agency, federal agency, or law enforcement authority.

Public Record

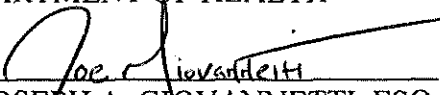
32. This Stipulation and Order is a public record. Notwithstanding any other provision of this Stipulation and Order, the Department may publish, distribute, provide, and otherwise disclose it and its contents to any and all third parties at its discretion and without limitation.

Effective Date

33. This Stipulation and Order shall become effective upon service on Miceli or her attorney by certified or registered mail.

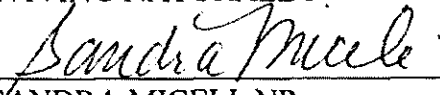
IN WITNESS WHEREOF, the parties have caused this Stipulation and Order to be signed on the dates set forth below.

NEW YORK STATE  
DEPARTMENT OF HEALTH


By:   
JOSEPH A. GIOVANNETTI, ESQ.  
Director, Bureau of Investigations  
Division of Legal Affairs

April 11, 2024

SANDRA MICELI  
SURVIVING NATURALLY.

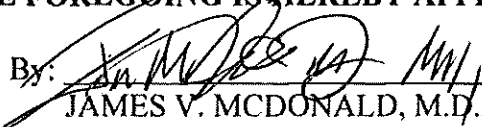
By:   
SANDRA MICELI, NP  
Surviving Naturally  
Webster, New York

April 9, 2024

By:   
DAVID PILATO  
Attorney for Sandra Miceli  
Pilato Law, PLLC

April 9, 2024

**THE FOREGOING IS HEREBY APPROVED. IT IS SO ORDERED.**

By:   
JAMES V. MCDONALD, M.D., M.P.H.  
Commissioner of Health  
New York State Department of Health

April 12, 2024