

**ARTICLE 51**  
**CHILDREN'S INSTITUTIONS**

**§51.01 Scope.**

The provisions of this article apply to all children's institutions, and the requirements of this article shall be in addition to the requirements to be met by children's institutions pursuant to Article 45.

**§51.03 Permit; Notification.**

- (a) No person shall operate a children's institution without a permit issued by the Commissioner. This section shall not apply to an institution which is duly incorporated in the State for the purpose of operating a children's institution and has a certificate of incorporation approved by a Justice of the Supreme Court and by the State Board of Social Welfare, or is authorized to operate by the provisions of the Executive Law of the State of New York; except for the permit requirement such institutions shall, however, comply with the other provisions of this article.
- (b) The Department shall be notified, in writing, by the operator of a children's institution of any proposed opening or closing of such institution.

**§51.05 Permit; application, issuance and renewal.**

- (a) An application for a permit to operate a children's institution shall include the following:
  - (1) The name and address of the institution;
  - (2) The name and address of the corporation, association, partnership or individual operating the institution and the names and addresses of its officers;
  - (3) A copy of the certificate of occupancy, or when such certificate is not required by the Administrative Code, a statement from the Department of Buildings that the premises comply with the applicable building laws;
  - (4) A statement from the Fire Department that the institution meets the requirements of all applicable laws and regulations pertaining to fire control;
  - (5) The maximum number of children to be served in the institution and the number of children under the age of two years, the number of children two years and over and under six years and over and under 21 years of age; and,
  - (6) A sketch of the institution showing all of the rooms, including plumbing fixtures, exits and clothes closets, with their dimensions, and the use for which they are intended and the maximum number of children permitted in each room at any one time.
- (b) An application for renewal of a permit shall include notice of any change which occurred since the submission of the previous application for a permit as to any information required to be submitted by subsection (a) of this section.

**§51.07 Admissions.**

- (a) Upon admission of a child, and before permitting him to come into contact with other children, the person in charge of the children's institution shall make inquiries whether the child is a case, carrier or recent contact of communicable disease. If there is reason to suspect that such child may endanger the health of the other children, he shall not be permitted to come into contact with them until a physician examines him and authorizes his release from isolation. Either immediately prior to admission or as soon as possible after admission, each child shall receive a complete medical examination by a physician who shall furnish to the institution a signed statement containing a summary of the results of the examination, the past medical history, and if a disease or abnormal condition is found, recommendations for isolation or treatment of the child, or modification of his activities, or plans for the health supervision of a

handicapped child. A complete dental examination of each child is required upon admission and annually thereafter, except where a certificate is presented establishing that such an examination was performed within the six month period prior to admission. Where such certificate is presented, a complete dental examination is required within one year after the previous examination and annually thereafter.

- (b) All children who have not received prophylaxis against diphtheria, tetanus, pertussis, poliomyelitis, measles, rubella and mumps or who need basic immunizations in accordance with standards promulgated by the Commissioner shall not be admitted to a children's institution unless they are immunized without delay. In a case of medical contraindication, the physician shall state the reason in writing.
- (c) A child suffering from handicapping conditions including seizure disorders, mental retardation or mental disturbances may be admitted if the institution can meet the special needs of such children.
- (d) The number of children admitted to a children's institution shall not exceed the maximum number for which the facilities and equipment of the institution are adequate under the provisions of this Code. In addition, in an institution under permit pursuant to §§51.03 and 51.05, the number of children in each age group shall not exceed the number prescribed in the permit.

#### **§51.09 Physical facilities.**

- (a) After the effective date of this Code, no children's institution shall be constructed, altered or renovated without the Department's prior approval of the plans and specifications.
- (b) All institutions providing care for thirteen or more children shall provide indoor playrooms for children under six years of age and indoor recreation rooms for children between six and twenty-one years of age. For children under six years of age the minimum allowance of play space for each child in indoor playrooms shall be 30 square feet of wall to wall space.
- (c) Data on the size and capacity of each room used by the children shall be kept by the person in charge of the institution and shall be subject to inspection by the Department.
- (d) In a children's institution with capacity for 15 or fewer children, a minimum of two toilets and two wash basins shall be provided, and for every additional 15 children or fraction thereof in the institution, one additional toilet and one wash basin shall be provided. Urinals may be provided pursuant to §45.11(i).
- (e) One bathtub with an adequate supply of hot and cold running water shall be provided for every ten children. In a lavatory for children six years of age or over, showers may be substituted for bathtubs.
- (f) Effective means of eliminating insects, rodents and other pests shall be provided.

#### **§51.11 Sleeping accommodations.**

- (a) Children of different sexes six years of age and over shall not be permitted to sleep in the same room in a children's institution.
- (b) No room used for sleeping shall have less than 70 square feet of wall to wall space. When beds are used the minimum space allowance for each child in a bedroom shall be 45 square feet of wall to wall space, and when cribs are used it shall be 40 square feet of wall to wall space.
- (c) A separate, suitable bed, crib or bassinet shall be provided for each child. Multiple-decked beds shall not be used without the approval of the Department. The beds and cribs shall be placed at least two feet apart. Mattresses on beds used by children who are enuretic or who are under three years of age shall be covered with a moisture-proof material. Clean sheets and pillow cases shall be provided for each child and changed at least once a week and more often if

necessary. Blankets which are sufficient to maintain adequate warmth shall be available for use by each child and shall be used when necessary.

**§51.13 Clothing, equipment and furniture.**

- (a) Sufficient and suitable clothing shall be provided for each child in a children's institution. All clothing shall be thoroughly cleaned before being used for another child.
- (b) Soiled reusable diapers shall be rinsed immediately and placed in a lined covered receptacle designed for that purpose, which shall be emptied as often as necessary. Such diapers shall be thoroughly cleaned before reuse. When diapers are laundered on the premises, suitable utensils or equipment shall be provided for thorough washing and rinsing before their reuse. Soiled single-use or disposable diapers shall be discarded immediately after use into a lined covered waste receptacle.
- (c) A separate, easily accessible compartment and drawer shall be provided for the clothing and other belongings of each child.
- (d) A toothbrush and comb shall be provided for the exclusive use of each child. There shall be facilities to keep separate the toilet articles of each child and for their proper cleaning. Toothbrushes, towels and washcloths shall be kept so that light and air can reach them. If individual hairbrushes are used, they shall be kept clean.

**§51.15 Infant bathing and formula room.**

- (a) Individual bathing and diapering facilities and equipment shall be used for infants under the age of three months.
- (b) When children under one year of age are cared for, and the institution does not obtain all its infant formulas from a holder of a permit issued pursuant to §115.05, or does not use other commercially prepared formulas in compliance with Article 116, a separate formula room shall be provided which shall be equipped pursuant to §41.25. Formulas shall be prepared pursuant to §41.77. In all cases, a separate area shall be provided for the storage of formulas and an area shall also be set aside for the collection and rinsing of used formula bottles and nipples.

**§51.17 Outdoor play.**

All well children shall have a daily period of outdoor play, except during inclement weather; the age and health of the children and the weather shall be considered in determining the length of the period of outdoor play. The children shall be dressed appropriately for the weather and temperature.

**§51.19 Health and medical care.**

- (a) A children's institution shall have attached to its staff a licensed physician who shall visit the institution at least once a month and be responsible for the development of an adequate medical program. Children's institutions providing care for not more than 25 children may have a consulting physician, preferably one who is connected with the hospital facility used by such institution, who shall visit or be visited on a periodic basis, be available for consultation on health matters, and be responsible for the development of an adequate health program in such institution. The Department shall be notified of the physician's name and address when he is appointed.
- (b) Each child in a children's institution shall be thoroughly examined by a licensed physician, as follows:
  - (1) Every month, if the child is under six months of age;
  - (2) Every two months, if the child is six months or over and under one year of age;
  - (3) Every six months, if the child is one year of age or over and under six years of age;
  - (4) Annually, if the child is between six and twenty-one years of age; and,

- (5) Within five days before the child is discharged from the institution.
- (c) When a child presents a health problem, is injured, or becomes ill so as to require medical care, he shall be examined and treated by a physician and, if possible, his parents or guardian shall be notified immediately. If the necessary medical care or facilities cannot be provided at the institution, the child shall be removed to a hospital or other facility which can provide the proper care.
- (d) In every infirmary or the room or area set aside for the care of ill children in a children's institution, there shall be available a schedule of standing orders drawn up by the physician for the temporary care of ill children until the physician is notified. No other medication shall be given except by order of a physician. A log of orders and medication given shall be kept.

**§51.21 Medical records.**

- (a) A current cumulative medical record shall be kept for each child and shall be made available for examination by the Department. The record shall contain all defects and data disclosed by the medical examinations given pursuant to §§51.07(a) and 51.19(b), and a history of all illnesses, accidents and other health data. The record for each child shall be kept on the premises of the children's institution providing care for such child. However, for children's institutions providing care for not more than twelve children, a legible copy of pertinent medical information needed for the proper care of each child may be kept on the premises in lieu of the cumulative medical record and, if so kept, such copy shall be made available for examination by the Department, provided that the cumulative medical record itself is made available for examination by the Department at the location where such record is stored or kept. The cumulative medical record shall be kept available at least until the later of the child's twenty-first birthday or five years after the child leaves the institution.
- (b) When a child is transferred to another children's institution, a copy of his medical record shall be forwarded at the time of such transfer together with a current medical summary by the institution's physician, including a report of any treatment in progress or recommended treatment.
- (c) When a child is discharged to the custody of his parent or guardian, a copy of the child's immunizations and other pertinent information, including a report of any treatment in progress or recommended treatment, shall be given at the time of such discharge to the person responsible for the child's care.

**§51.23 Visitors.**

Visiting of children in children's institutions shall be encouraged by scheduling as many visiting hours during each week as possible without undue interference with the institution's program. When possible, a member of the professional staff shall be available to speak to parents and guardians during visiting hours. Visitors with evidence of communicable disease shall be excluded.