

Article 47 Revisions: What Group Child Care Programs Need to Know

The Board of Health has revised [Article 47](#) of the New York City Health Code to better protect children’s health and safety and to align with new state and local laws. This document provides information about many of the new requirements and how to comply. The changes take effect immediately, with the New York City Health Department issuing violations subject to fines to programs that fail to comply — except as noted below.

Changes to Childhood Immunization Requirements (§47.25)

- Children are no longer exempt from vaccination requirements due to religious beliefs.
- Children may be exempt from vaccination requirements for medical reasons, but only if the medical exemption is approved by the Health Department. The child care program must submit medical exemption requests to the Health Department for review and approval. These requests must be faxed to School Immunizations at 347-396-8839 (include staff contact name and phone number on fax). Maintain a copy of the fax. While the request is under Health Department review, the child may attend the child care program. If the request is denied, the child cannot attend the program until they are fully vaccinated.
- Programs must maintain vaccination records for all enrolled children and make the records immediately available to the Health Department on request. The records may be kept electronically so long as the child care program can make the electronic records immediately accessible to the Health Department.

Clarification of Staff and Volunteer Immunization Requirements (§47.33)

The Health Department is providing heightened technical assistance around these requirements through June 30, 2020, and will not begin issuing violations subject to fines until July 1, 2020.

- Staff and volunteers must have received **two** doses of measles-containing vaccine; **two** doses of mumps-containing vaccine; **one** dose of rubella-containing vaccine; **two** doses of varicella-containing vaccine (chicken pox); and **one** dose of tetanus, diphtheria and acellular pertussis (Tdap) vaccine. For exceptions, review [Article 47](#).
- Programs must maintain vaccination records for all staff and volunteers and make the records immediately available to the Health Department on request. The records may be kept electronically so long as the child care program can make the electronic records immediately accessible to the Health Department.
- Programs cannot allow staff or volunteers to be present without appropriate documentation of required immunizations.

Clarification of Illness Exclusion Requirements (§47.27)

Programs must isolate any children or adults who are suspected or confirmed with, or have been exposed to, a communicable disease that requires isolation or exclusion under [Article 11](#) of the Health Code. Any such child must be isolated until arrangements are made for the child to be picked up by a parent or guardian. All prior reporting rules still apply.

Changes to Staffing Requirements (§47.13)

Two child care programs can share an education director only if the programs are located at the same address **and** operated by the same legal entity.

Clarification of Staff-to-Child Ratios and Group Size (§47.23)

- Programs must separate each room or area housing groups of children of any age with a physical barrier.
- The maximum group size for 3-year-olds is 15. However, if this size limit causes a hardship for the program, the program may request a modification to allow a group size of up to 17 for 3-year-olds. Please reach out to the Early Childhood Education Consultant for additional directions about this process.

Changes to Equipment and Furnishings Requirements (§47.67, §47.55)

- Child care programs can no longer have crib bumper pads on site, unless a child's health care provider determines that they are medically necessary.
- Programs must secure, with angle braces, anchors or other devices, large furniture and electronic appliances that could be tipped over. If any such item cannot be secured, programs must remove them.

Changes to Use of Single-Use Foam Products (§47.61)

Programs cannot use single-use foam containers, such as cups, plates, bowls or storage containers, unless the program has a pending or approved waiver from the New York City Department of Sanitation.