

New York State Office of Children and Family Services
Bureau of Early Childhood Services
Policy Statement

ID Number: 06-8

Topic: Clarification of the Term *Serious Injury*

Modalities Impacted: All Modalities

Applicable Regulations: Title 18, New York Codes, Rules and Regulations § 414.15(a)(14), 414.11(d)(1)(iii), 416.15(a)(14), 416.11(f)(1)(iii), 417.15(a)(14), 417.11(f)(1)(iii), 418-1.15(a)(14), 418-1.11(f)(1)(iii), 418-2.15(a)(14) and 418-2.11(e)(1)(iii)

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Effective: Immediately - 9-7-06

This policy statement is effective immediately and cancels all previous memos or statements on the topic.

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The purpose of this policy statement is to clarify the use of the term *serious injury* as it is used in the following child day care regulation:

The caregiver must immediately notify the Office upon learning of the death, serious injury or infectious illness of an enrolled child which occurred while the child was in care at the program or was being transported by a caregiver [Title 18 New York State Codes Rules and Regulations § 414.15(a)(14), 416.15(a)(14), 417.15 (a)(14), 418-1.15(a)(14) and 418-2 .5(a)(14)]

An injury is considered serious if it requires professional medical attention. This would be an injury that is beyond the routine superficial cuts, scrapes and bug bites that are so common among young children. Typically, a serious injury would require the provider or parent/guardian seek medical attention for the child from a licensed physician, physician assistant or nurse practitioner.

Serious injuries would include but are not limited to:

- A cut that requires stitches; a cut that is large or deep or won't stop bleeding
- Any animal bite that breaks the child's skin
- Any injury which results in the child losing consciousness, has labored breathing, the inability to speak, vomits, becomes lethargic, falls asleep at an inappropriate time or unexpectedly, is difficult to arouse or awake, or cries incessantly
- A head injury accompanied by swelling or bruising in the effected cranial area coupled with decreased alertness, increased confusion, headache, vomiting, or difficulty walking
- An injury to a non-verbal child where the child seems to be suffering increased severe pain that would not typically accompany the type of injury sustained
- Burns, scalding or other heat related injuries
- Electric shock
- Poisonings and/or insect bites which may be dangerous/poisonous or that result in a-typical reactions such as anaphylactic shock

- Any injury that may result in a sprain, dislocation or a broken bone (Child complains of severe pain, or is unable to stand, walk, or use their arms or legs in a normal fashion)

The regulations require that providers secure care for a child who has an accident or illness requiring immediate health care and notify the parent/guardian of the incident. In addition, the regulation also requires that notification to OCFS take place *immediately*. In an emergency, OCFS would expect a provider to see that the medical needs of the injured child are met, while also providing for the physical and emotional needs of the other day care children. Notifying the parent and OCFS of the serious injury would only come after these two priorities, but notification is expected in the same day that the injury occurred.

If a provider assesses a child's injury to be non-serious and medical attention is not sought, but a parent decides to seek medical attention for this same injury, OCFS must be notified the same day that the provider is made aware that medical attention was sought. Licensors/registrars will evaluate the information reported and conduct an onsite inspection. The purpose of the inspection is to make a judgment as to whether any condition at the day care program is unsafe for day care children. If safety issues are identified, the provider will be directed to rectify the safety issues.

Approved by:

Suzanne Zafonte Sennett



Date 9-7-06