

Proposed action: Addition of Part 338 to Article 5 of Subchapter A of Chapter II of Title 18 NYCRR

Part 338 of Title 18 NYCRR is added to read as follows:

Part 338. Congregate Care COVID-19 Prevention and Protection Program

338.1. Applicability

This part applies to all residential congregate programs operated, approved, licensed, or certified by the Office of Children and Family Services, with the exception of:

(a) family-type homes for adults as defined in 18 NYCRR 485.2(f); and

(b) nonsecure detention family boarding care facilities as defined in 9 NYCRR 180-1.3(d)(1).

338.2. Face Covering Requirements

(a) "Face covering" means a mask or other face covering that fits snugly and completely covers both the nose and mouth.

(b) All staff, volunteers, contractors, vendors, visitors, and residents of programs subject to this part, who are two years of age or older and able to medically tolerate a face covering, must wear a face covering when indoors regardless of vaccination status, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.

(c) In no instance should a resident face a loss of services, disciplinary consequences, removal from or change in programming, or be denied admission for failure to consistently wear a face covering.

(d) All programs subject to this part shall provide their employees, contractors, volunteers, and residents with appropriate face coverings at no expense. Face coverings must be replaced or laundered as necessary.