

Regulatory Flexibility Analysis for Small Businesses and Local Governments

1. Effect on small businesses and local governments:

The emergency and proposed regulations will affect all licensed and registered family day care homes, group family day care homes, and day care centers (outside of New York City), approximately 17,230 programs.

2. Compliance requirements:

Child care programs will continue to be required to keep immunization records for all non-school aged children in care. A program may no longer accept a statement from a parent/caretaker stating the child has not been immunized based on their religious beliefs as proof of compliance with the immunization regulation, and children who have not been immunized in accordance with the requirements of Section 2164 of the New York State Public Health Law will not be eligible to attend child care programs.

Children receiving care from a licensed or registered child care program must remain current with their immunizations in accordance with New York State Public Health Law. Revisions to the current regulation regarding medical exemption requirements have been made to be consistent with Public Health Law, but children who have a medical exemption from immunization will not be negatively impacted by this rulemaking.

3. Professional Services:

No new professional services are required by small business or local government to comply with this change.

4. Compliance costs:

The implementation of emergency and proposed regulations will not result in costs to child care programs.

5. Economic and technological feasibility:

No new economic or technology requirements for small business or local government are expected.

6. Minimizing adverse impact:

To minimize the impact of the regulations on licensed and registered child care programs, the Office is allowing for licensed and registered programs to admit a child who has not yet been immunized if the parent/caretaker can demonstrate that the child's immunizations are in process by providing specific appointment dates for the required immunizations in accordance with New York State Public Health Law and joint guidance issued by this Office, the New York State Department of Health and the New York State Education Department.

7. Small business and local government participation:

The proposed emergency regulations affect day care centers and home-based child care providers located in all areas of New York State and stem from changes to Section 2164 of the New York State Public Health Law.