

Regulatory Impact Statement

1) Statutory Authority

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the New York State Office of Children and Family Services (Office) to establish rules, regulations and policies to carry out the Office's powers and duties under the SSL.

Section 390(2)(d) of the SSL authorizes the Office to establish regulations for the licensure and registration of child day care providers.

Section 390(2-a) of the SSL requires the Office to establish minimum quality program requirements for child day care.

Section 410-x(3) of the SSL requires the Office establish minimum health and safety requirements for providers providing child care funded by the child care block grant that are not licensed or registered by the Office.

2) Legislative Objectives

The proposed changes to the child care regulations are necessary to implement and enforce emergency health guidance as put forward by the New York State Executive Chamber and the New York State Department of Health in order to keep children safe in care during the pandemic.

3) Needs and Benefits

These changes are necessary to implement and enforce Executive Chamber and Department of Health guidance regarding the safe operation of child care programs in light of the COVID-19 public health emergency.

New York has had over 25,000 deaths from COVID-19, and the emerging pediatric multi-system inflammatory syndrome has made the need to adapt child care programs to meet the most up-to-date public health guidance clear.

In addition, the regulation is written to be nimble so that as further guidance is introduced or adopted, the new most up-to-date guidance will go into effect in child care programs across the State. The proposed changes will improve the safety of children in child care programs during the COVID-19 public health emergency.

4) Costs

No additional costs will be assessed on providers with this regulation. Any costs will be incurred by the issuance of the emergency health guidance promulgated by the Department of Health or Executive Chamber in the interest of public health during a designated public health emergency.

5) Local Government Mandates

No new mandates are imposed on local governments by these proposed regulations.

6) Paperwork

The change in paperwork associated with the proposed changes in the child care regulations are anticipated to be minimal.

7) Duplication

The new regulations do not duplicate state or federal requirements.

8) Alternatives

The regulation is necessary to allow enforcement action against providers who violate the standards in place during a health crisis. No alternative to regulatory or statutory change would be sufficient to provide such authority.

9) Federal Standards

The regulations are consistent with applicable federal requirements.

10) Compliance Schedule

The proposed regulations will become effective upon filing.