

TEXT OF RULE

1. Paragraph (2) of subdivision (c) of section 421.16 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(2) A report of a physical examination conducted not more than one year preceding the date of the adoption application [and a written statement from] by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the [family's] members of the household's general health, that indicates the absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of an adopted child, or that presence of any identified affliction does not pose a risk to the health and safety of an adopted child, must be filed with the agency. [This examination must include a tuberculosis screening and additional related tests as deemed necessary within the last 12 months an additional report of chest X-rays is required where a physician determines that such X-rays are necessary to rule out the presence of current diseases.] If the adoptive applicant is or has been a foster parent, and the agency which certified, licensed or approved the foster parent has a completed medical report on the foster family in its records, the foster family medical report will satisfy this requirement, if the medical report was completed within the past year.

2. Paragraph (2) of subdivision (e) of section 442.18 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(2) A report of physical examination conducted no later than twelve months from the date of application by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the individual's general health, that indicates the absence of communicable disease, infection, or illness or any physical or mental condition(s) which might affect the proper care of children, or that presence of any identified affliction does not pose a risk to the health and safety of children, shall be required of all staff as a condition of employment [, which shall include an intradermal tuberculin test, with chest X-ray where such test result is positive]. The medical director may, at [his] their discretion, require blood tests and such other tests as medically indicated. Food handlers and staff having direct contact with children shall be reexamined annually in a similar manner. The results of the health examination shall be reviewed by the medical director, who shall certify in writing fitness for employment. Such certification shall be retained by the agency and kept available for inspection.

3. Paragraph (16) of subdivision (b) of section 443.2 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(16) require that a medical report form must be filed with the agency either prior to or after acceptance for a home study. The completion of the home study required by this Part must be conditioned upon the submission of an acceptable medical report form. The medical report form must cover a physical examination of the applicant(s) conducted not more than one year preceding the date that the application is submitted to an authorized agency[, and must include the following:

(i) a written statement from] that was conducted by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the members of the foster family's general health, that indicates the absence of communicable disease, infection or illness or any physical or mental conditions which might affect the proper care of a foster child, or that presence of any identified affliction does not pose a risk to the health and safety of children [; and

(ii) the result of a tuberculosis screening and additional related tests as deemed necessary within the last 12 months and an additional report of chest X-rays where [a] physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner as appropriate, determines that such X-rays are necessary to rule out the presence of current diseases].

4. Paragraph (3) of subdivision (c) of section 448.3 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is REPEALED and a new paragraph (3) is added to read as follows:

(3) A report of physical examination conducted no later than twelve months from the date of application by a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner, as appropriate, regarding the individual's general health, that indicates the absence of communicable disease, infection, illness or any physical or mental condition(s) which might affect the proper care of children, or that presence of any identified affliction does not pose a risk to the health and safety of children, shall be required as a condition of employment and annually thereafter for food handlers and person caring for children.