



Office of Children and Family Services

KATHY HOCHUL
Governor

SHEILA J. POOLE
Commissioner

September 16, 2021

Dear Partners:

This letter contains important health and safety updates for your program. Please read this information carefully as it contains information on a new emergency regulation regarding mandatory face coverings in congregate care settings licensed, certified, or approved by OCFS. Please see the attached regulatory language to read the entire regulation for any specific details relative to your congregate type setting.

With the recent spike in COVID-19 infections, prevention strategies remain critical to protect children, adults, and staff. Therefore, effective September 16, 2021, OCFS has implemented an emergency regulation mandating all people in congregate programs wear a face covering indoors. The mandate applies to all people age 2 and older who are able to medically tolerate a face covering, regardless of vaccination status. The requirement applies to OCFS licensed, certified, and approved congregate programs except for:

- (1) family-type homes for adults as defined in 18 NYCRR 485.2(f); and
- (2) nonsecure detention family boarding care facilities as defined in 9 NYCRR 180-1.3(d)

This decision by OCFS was not made lightly and is based on health and safety concerns for you and the children, adults, and families you serve. These requirements are in line with the recommendations from the Centers for Disease Control and Prevention (CDC). On July 27, 2021, the CDC released updated guidance that included a recommendation for everyone ages 2 and older in areas of substantial or high transmission to wear a mask in public indoor places, even if they are fully vaccinated. This guidance can be found at: <https://www.cdc.gov/mmwr/volumes/70/wr/mm7030e2.htm>

The CDC issued this guidance due to a rise in the number of COVID-19 cases and hospitalizations around the country, and because of new information about the Delta variant. As we move into the Fall months with more indoor activities coupled with the continued increase in new infections and hospitalizations around the state, we find it essential to the health and safety of all the individuals in your programs that this mandate be applied.

We all know that vaccination is currently the leading public health prevention strategy to end the COVID-19 pandemic. However, without every eligible individual being vaccinated and thus potentially eliminating the need for health and safety precautions such as face coverings, we must mandate this strategy.

Vaccination among eligible individuals will help programs protect staff and residents in their care, as well as their families and we implore you to please continue to encourage staff, residents and families to be vaccinated. For information about the vaccine, and to remain up-to date on COVID-19 guidance, please visit: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Thank you for your commitment to the health and safety of the children, adults, and staff in your program throughout this challenging time.

Sincerely,

Lisa Gharthey Ogundimu, Esq.
Deputy Commissioner
Child Welfare and Community Services

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Deputy Commissioner
Youth Development & Partnerships for Success