



APPENDIX

New York State Laws and Regulations

New York State has enacted statutes and regulations to guide and regulate the health care and services that are provided to children in foster care.

Many of the statutory requirements for the provision of health services for children in foster care in New York State are found in the Public Health Law (PHL), Family Court Act (FCA), Mental Health Law (MHL), and the Social Services Law (SSL).

Regulations for implementing these statutes are found in New York State Codes, Rules, and Regulations (NYCRR) Title 18 Chapter II Subchapter C, Title 10 Subchapter H, Title 14, and Title 42 Subchapter A Subpart B.

Policy Directives

Policy directives are the Office of Children and Family Services (OCFS) policy releases transmitting information and/or policy and procedures directly to the local district commissioners and possibly voluntary agencies (VAs) on specific topics. There are three types of external policy directives:

[Administrative Directives \(ADM\)](#) are external policy statements issued by OCFS that are designed to advise local departments of social services (LDSSs) and VAs of policies and procedures that must be followed and that require specific action.

[Informational Letters \(INF\)](#) are external policy statements issued by OCFS that clarify or amplify existing procedures. They may provide general educational information, transmit a new brochure, distribute a revised list of contacts, or announce newly enacted federal or state legislation. These are shared with LDSSs and appropriate VAs.

[Local Commissioners Memorandums \(LCM\)](#) are external policy releases issued by OCFS that transmit information to LDSS commissioners on specific topics. An LCM generally affects all LDSSs statewide. Information transmitted by an LCM may include notification of funding, statewide audit results, or instructions pertaining to existing program or administrative procedures. LCMs do not apply to voluntary agencies; LCMs provide information and/or direction only to local LDSSs.

See below chapters for state laws and regulations, and OCFS policy directives that are related to health services for children in foster care.



Chapter 1: Removal and 24-Hour Health Screening

Statutes and Regulations

PHL 2168

18 NYCRR 441.22(c) & (e)

Policy Directives

Changes Associated with CONNECTIONS Build 18.9: Health, Education and Permanency Hearing Report Modules
([08-OCFS-ADM-01](#))

Websites

The New York State Immunization Information System (NYSIIS):
https://www.health.ny.gov/prevention/immunization/information_system/

Citywide Immunization Registry (CIR):
<https://www.nyc.gov/site/doh/providers/reporting-and-services/citywide-immunization-registry-cir.page>

Advisory Committee on Immunization Practice:
<https://www.cdc.gov/vaccines/acip/index.html>

New York State's Vaccines for Children Program:
https://www.health.ny.gov/prevention/immunization/vaccines_for_children/

Publications

[Foster Care Practice Guide for Caseworkers and Supervisors](#)

Chapter 2: Medical Consents

Statutes and Regulations

SSL §383 and 384-b

FCA §355.4, 661(b), 657(c), 355.4

PHL 2504, 2504.1, 2504.4, Article 27-F, 2781-a, Article 31, 3123

GOL §5-1551

EXC §532-a

Correction Law §140

1977 U.S. Supreme Court decision in *Carey vs. Population Services International*

17 MHL 33.21, 22.11

18 NYCRR 441.22(b)(d)(e), 443.1(h), 360-8.1(a)(8)

14 NYCRR 527.8(2)(a), 527.8(a)(5), 817.3(e)(5)



Policy Directives

The Use of Psychiatric Medications for Children and Youth in Placement; Authority to Consent to Medical Care ([08-OCFS-INF-02](#))

Referrals of Young Children in Indicated CPS Cases to Early Intervention Services ([04-OCFS-LCM-04](#))

Websites

Department of Health AIDS Institute:
<https://www.health.ny.gov/diseases/aids/>

Publications

[Teenagers Health Care and the Law: A Guide to Minors' Rights in New York State](#)

[Protocol: Children in Foster Care Who Participate in the Early Intervention Program](#)

Forms

Authorization for the Release of Health Information Pursuant to HIPAA [OCS 960](#)

Consent for Child's Routine Medical and Dental Care (rev 3/2005) [LDSS-0882](#)

Authorization for Release of Health Information and Confidential HIV-Related Information [DOH-2557](#)

Chapter 3: Confidentiality of Health Information

Statutes and Regulations

PHL §17, 18 (2)(c), Article 27-F, Article 27 -F, 2780(7)

SSL §373-a

42 CFR 2.14

18 NYCRR 357.3(b)(2), 441.22(j)(1), 357.3(b)(1), 357.5(g), 441.22(m), 431.7, 360-8.1(a)(5), 357.3 (b)(3)

Policy Directives

Foster Care: Assessment of Foster Children for Capacity to Consent and HIV Risk; Counseling of Adolescents; Legal Consent for HIV Testing; Documentation and Disclosure ([97-OCFS-ADM-15](#))

Changes associated with CONNECTIONS Build 18.9: Health, Education and Permanency Hearing Report Modules ([08-OCFS-ADM-01](#))

Websites

Department of Health Training for Providers:
<https://www.health.ny.gov/diseases/aids/providers/training/index.htm>

Court-Appointed Special Advocates:
<https://www.casanys.org/who-we-are>

Job Aids

[Changes to the CONNECTIONS Family Services Stage \(FSS\), Phase 5](#)



[Protocol: Children in Foster Care Who Participate in the Early Intervention Program](#)

Forms

Authorization for the Release of Health Information Pursuant to HIPAA [OCS 960](#)

Consent for Child's Routine Medical and Dental Care (rev 3/2005) [LDSS-0882](#)

Authorization for Release of Health Information and Confidential HIV-Related Information [DOH-2557](#)

Chapter 4: Medicaid and Medicaid Managed Care

Statutes and Regulations

FCA §353.3

SSL §366(1)(c)(9)

PHL Article 29-I

Social Security Act §1902

Patient Protection and Affordable Care Act

Policy Directives

Patient Protection and Affordable Care Act and Medicaid to Age 26 ([15-OCFS-ADM-17](#))

Websites

The CHTP manual:

www.emedny.org/ProviderManuals/EPSTDCTHP/PDFS/EPSTD-CTHP.pdf

Electronic Provider Assisted Claim Entry System (ePACES):

https://www.emedny.org/selfhelp/ePACES/ePACES_Help.pdf

New York State designated child and family treatment supports and services (CFTSS):

https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/docs/updated_spa_manual.pdf

New York State designated home and community based services (HCBS):

https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/docs/hcbs_manual.pdf

Chapter 5: Initial Health Evaluation

Statutes and Regulations

SSL Article 6 Title 6, 413-415

PHL Article 27-F

18 NYCRR 441.22(f), 441.22(b), 441.22 (j) (2), 441.22(c) (1), 442.18, 441.22 (c) (2), 441.22(c)(2)(i)-(viii), 441.22(c)(e), 507.1 (c) (3) (vii), 441.22(c) (4), 441.22 (f) (2) (viii), 441.15, 441.22(c) (2), 441.22(b)(3)(v), 357.3, 360-8.1, 441.22(b) (7), 441.22(c) (2), 441.22 (f) (2)

14 NYCRR 853.3 (d)

EPDST 5123.2A, 5123.2A.1



Policy Directives

Foster Care: Medical Services for Children in Foster Care ([90-OCFS-ADM-21](#))

Provision of Dental Services for Children and Youth in Foster ([17-OCFS-ADM-12](#))

Websites

Recommendations for Preventive Pediatric Health Care:

https://downloads.aap.org/AAP/PDF/periodicity_schedule.pdf

AAP Practice Management:

<http://practice.aap.org/content.aspx?aid=1599>

The Child Abuse Evaluation and Treatment for Medical Providers:

<https://www.champprogram.com/doh-initiatives.shtml>

Publication

[EPDST/CTHP Provider Manual for Child Health Plus A \(Medicaid\)](#)

Chapter 6: Preventative and Ongoing Health Care

Statutes and Regulations

PHL §1399-o

Section 504 of the Rehabilitation Act of 1973

18 NYCRR 441.22(f), 507.1(c), 441.23, 442.21(g)

Policy Directives

Provision of Dental Services for Children and Youth in Foster Care ([17-OCFS-ADM-12](#))

The Use of Psychiatric Medications for Children and Youth in Placement ([08-OCFS-INF-02](#))

Websites

AAP periodicity schedule:

<https://www.aap.org/periodicityschedule>

New York State Recommended Childhood and Adolescent Immunization Schedule

<https://www.health.ny.gov/publications/2378.pdf>

Practice Parameters of the American Academy of Child and Adolescent Psychiatry:

www.aacap.org

Growing Up Healthy Hotline:

https://www.health.ny.gov/community/pregnancy/health_care/prenatal/guh.htm

Combating the Heroin and Opioid Crisis:

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/HeroinTaskForceReport_3.pdf

Office of Addiction Services and Supports Harm Reduction:

<https://oasas.ny.gov/harm-reduction>



Chapter 7: Special Health Care Services

Statutes and Regulations

PHL Article 29-I, 2500-a

10 NYCRR 69-1.4

18 NYCRR 441.22 (b), 360-8.1, 463.1 (a), 463(b) (2), 507.1(c) (9), 441.22(l)(1), 441.22(l)(2), 505.2(l)

Policy Directives

Foster Care: Assessment of Foster Children for Capacity to Consent and HIV Risk; Counseling of Adolescents; Legal Consent for HIV Testing; Documentation and Disclosure ([97-OCFS-ADM-15](#))

Reproductive Health and Services for Youth in Foster Care ([11-OCFS-ADM-09](#))

Health Home Referral Requirements for Children in Foster Care ([18-OCFS-ADM-14](#))

Websites

Home and Community Based Services (HCBS) Information for Children/Youth and Families:

https://omh.ny.gov/omhweb/bho/docs/hcbs_brochure_english.pdf

CANS-NY Tool:

https://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/docs/cans_6_21.pdf

Children's Home and Community Based Services Manual:

https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/docs/hcbs_manual.pdf

1915(c) Children's Waiver and 1115 Waiver Amendments:

https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/1115_waiver_amend.htm

Article 29-I VFCA Health Facilities License Guidelines Final Draft:

https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/docs/final_draft_vfca_health_facilities_license_guidelines.pdf

Talking with Young People:

<https://www.health.ny.gov/publications/0243.pdf>

HIV/AIDS Testing Sites - New York State Department of Health:

<https://www.health.ny.gov/diseases/aids/consumers/testing/sites.htm>

HIV Testing Toolkit:

[HIV Testing Toolkit: Resources to Support Routine HIV Testing for Adults and Minors.](#)

Caring for Children with Special Needs: For Parents, Foster Parents, and Other Caregivers Caring for Children with HIV, September 2003:

<https://www.health.ny.gov/diseases/aids/general/resources/child/index.htm>

Chronic care schedule for clinical monitoring of HIV-positive infants and children:

<http://www.hivguidelines.org/>

Testing and treatment protocol:

<http://www.hivguidelines.org/>



Newborn screening program:

<http://www.wadsworth.org/newborn/>

Comprehensive Family Planning and Reproductive Health Care Services Program:

https://www.health.ny.gov/community/pregnancy/family_planning/

Prenatal care:

https://www.health.ny.gov/community/pregnancy/health_care/prenatal/#about

STI Treatment Guidelines:

<https://www.cdc.gov/std/treatment-guidelines/default.htm>

Human Papillomavirus (HPV):

<https://www.nyc.gov/site/doh/health/health-topics/human-papillomavirus-hpv.page>

New York State Recommended Childhood and Adolescent Immunization Schedule:

<https://www.health.ny.gov/publications/2378.pdf>

Information on HPV can be found:

https://www.health.ny.gov/diseases/communicable/human_papillomavirus/

Mpox:

[https://www.health.ny.gov/diseases/communicable/zoonoses/mpox/, Mpox \(ny.gov\)](https://www.health.ny.gov/diseases/communicable/zoonoses/mpox/, Mpox (ny.gov))

Transgender Related Care and Services Update:

https://www.health.ny.gov/health_care/medicaid/program/update/2017/2017-01.htm#transgender

2022 National Survey on LGBTQ Youth Mental Health:

https://www.thetrevorproject.org/survey-2022/assets/static/trevor01_2022survey_final.pdf

Parenting a Child or Youth Who Has Been Sexually Abused: A Guide for Foster and Adoptive Parents

https://www.childwelfare.gov/pubPDFs/f_abused.pdf

Publications

[Children's HCBS Manual](#)

[Talking with Young People](#)

[Sexual and Gender Minority Youth in Foster care: Assessing Disproportionality and Disparities in Los Angeles: The Williams Institute, UCLA School of Law](#) Wilson, B.D.M., Cooper, K., Kastansis, A., & Nezhad, S.

[Serving Transgender Youth: The Role of Child Welfare Systems \(Washington, D.C.: Child Welfare League of America, 2000\)](#), p. v Teresa DeCrescenzo and Gerald P. Mallon

[Health Care Disparities Among Lesbian, Gay, Bisexual, and Transgender Youth: A Literature Review. Cureus, 9\(4\), e1184](#) Hafeez, H., Zeshan, M., Tahir, M. A., Jahan, N., & Naveed, S.

[Frontiers | A Qualitative Scoping Review of Transgender and Gender Non-conforming People's Physical Healthcare Experiences and Needs \(frontiersin.org\)](#) Teti, M., Kerr, S., Bauerband, L. A., Koegler, E., & Graves, R.

[The Report of the U.S. Transgender Survey](#)

[Suicidality among gay, lesbian and bisexual youth: the role of protective factors](#) J Adolesc Health. 2006;39(5):662-668., Eisenberg ME, and Resnick MD



Committee on Child Abuse and Neglect; [Clinical Report—The Evaluation of Sexual Behaviors in Children](#) Nancy D. Kellogg

Pediatrics September 2009; 124 (3): 992–998.

[Standards of Care for Juvenile Sex Offenders of the International Association for the Treatment of Sexual Offenders](#)

Michael H. Miner

Forms

1915(c) waiver

https://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/children/overview.htm

Chapter 8: Maintaining Health Records

Statutes and Regulations

18 NYCRR 441.22 (k), 428.3 (4) (ii), 507.5, 357.3

Policy Directives

Changes Associated with CONNECTIONS Build 18.9: Health, Education and Permanency Hearing Report Modules ([08-OCFS-ADM-01](#))

Job Aids

CONNECTIONS Job Aids:

<https://ocfs.ny.gov/connect/jobaides/jobaides.asp>

Chapter 9: Medication Administration and Management

Statutes and Regulations

MHL Title E

PHL 33, 33.21

10 NYCRR 80, 80.47, 80.50, 80.67(d)(1)(2)(3)

18 NYCRR 441.22, 442.11

42 U.S.C. §622(b)(15)(A)(vii)

Policy Directives

The Use of Psychiatric Medications for Children and Youth in Placement; Authority to Consent to Medical Care ([08-OCFS-INF-02](#))

Website

Where and How to Dispose of Unused Medicines:

<https://www.fda.gov/consumers/consumer-updates/where-and-how-dispose-unused-medicines>



United States Drug Enforcement Administration (DEA) Drug Scheduling:

<https://www.dea.gov/drug-information/drug-scheduling>

New York State Department of Health Bureau of Narcotic Enforcement License Application to Engage in a Controlled Substance Activity Instructions:

<https://www.health.ny.gov/forms/doh-4330.pdf>

Publications

SYRUP OF IPECAC

[Caring for Children with Special Needs: For Parents, Foster Parents, and Other Caregivers Caring for Children with HIV \(NYS Dept. of Health and Office of Children and Family Services, \(September 2003\) pp. 4-1-4-22:](#)

[New York State Foster Parent Manual](#) (Office of Children and Family Services, January 2010):

American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders Fourth Edition Text Revision (DSM-IV-TR) (2000)

[2019 Annual Progress and Services Report](#)

Chapter 10 Supporting Caregivers

Statutes and Regulations

18 NYCRR 441.22 (j) (2); 507.1 (c) (5), 507.1 (c) (5), 505.10, 443.2 (e), 441.22 (j) (1), 463.2(b), 507.1 (c) (4), 441.22 (j)(i)(ii)(iii)