



**Office of Children
and Family Services**

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Acting Commissioner

MARCH, 2017

Dear Provider:

A Must Read!

**Mandated Training Requirement Added to Child Care Regulations
Compliance Required by September 30th, 2017!**

The primary purpose of this letter is to update you on the federal Child Care and Development Block Grant (CCDBG) pre-service/orientation health and safety training requirements and the due date for your program's compliance. This federal law requires certain child care employees and volunteers to complete health and safety training by September 30, 2017. These requirements have been adopted as emergency regulations in Title 18 of the *New York Codes, Rules and Regulations* and a notice of proposed rulemaking was filed with the *New York State Register* on 3-20-2017. The effective date of the emergency regulations is 3-20-2017.

Those child care employees and volunteers affected by this federal law are:

- caregivers in family day care and group family day care programs (providers, assistants, substitutes)
- caregivers in small day care centers (providers, assistants, and substitutes)
- directors in day care centers and school age child care programs
- teachers and assistant teachers in day care centers and school age child care programs
- substitute teachers and substitute assistant teachers in centers and school age child care programs
- volunteers in all programs, who have the potential for regular and substantial contact with children at the child care program

To implement this new federal requirement, OCFS developed an e-learning session that, once completed by participants, will satisfy all required health and safety topics. This OCFS health and safety e-learning is named ***Foundations in Health and Safety e-learning***. There is no charge for the training, which can be found at the following website: https://www.ecetp.pdp.albany.edu/elearn_catalog.shtm. To start the training and receive the certificate of completion, each individual must create an Early Childhood Education and Training Program (ECETP) account with the Professional Development Program (PDP). Accounts can be set up in minutes and require only a little information. The account can be set up at: <https://www.ecetp.pdp.albany.edu/mytraining/login.aspx>. All individuals who complete the *Foundations in Health and Safety e-learning* session will be credited with a certificate of completion. Certificates are awarded at the end of the session and must be printed and kept on file at the child care program. If a certificate is misplaced, another can be printed from the website.

The following chart includes role, program type, and compliance requirements.

PROGRAM TYPE	ROLE IN THE PROGRAM	COMPLIANCE REQUIREMENTS
Family day care, and group family day care	Providers who completed the OCFS 15-hour health and safety classroom training <u>prior to August 1, 2016</u>	Complete the OCFS Foundations in Health and Safety 5-hour e-learning or retake the OCFS 15-hour health and safety classroom training by September 30, 2017
Family day care, and group family day care	Providers who completed the OCFS 15-hour health and safety classroom training <u>on or after August 1, 2016</u>	You have met this requirement; no further action required
Family day care, group family day care (Grandfathered programs in which the Provider is not the licensee/registrant)-	Applicants to be an “on-site” provider at a grandfathered program	Complete the OCFS 15-hour health and safety classroom training prior to assuming the role of provider.
Family day care and group family day care,	Assistants, volunteers with the potential for regular and substantial contact with children in care, substitutes, caregivers <u>hired prior to 3-20-2017</u>	Complete the OCFS Foundations in Health and Safety 5-hour e-learning or the OCFS 15-hour health and safety classroom training by September 30, 2017
Family day care and group family day care	Assistants, volunteers with the potential for regular and substantial contact with children in care, substitutes, caregivers <u>hired on or after 3-20-2017</u>	Complete the OCFS Foundations in Health and Safety 5-hour e-learning or the OCFS 15-hour health and safety classroom training pre-service, within three months of start date, or by September 30, 2017, whichever is latest
Small Day Care Center	Provider, assistants, volunteers with the potential for regular and substantial contact with children in care, substitutes, caregivers <u>hired prior to 3-20-2017</u>	Complete the OCFS Foundations in Health and Safety 5-hour e-learning by September 30, 2017
Small Day Care Center	Provider, assistants, volunteers with the potential for regular and substantial contact with children in care, substitutes, caregivers <u>hired on or after 3-20-2017</u>	Complete the OCFS Foundations in Health and Safety 5-hour e-learning within three months of start date, or by September 30, 2017, whichever is latest
Day care centers and School age child care programs	Directors, group teachers, on-site supervisors, assistant teachers, volunteers with the potential for regular and substantial contact with children in care, substitutes <u>hired on or prior to 3-20-2017</u>	Complete the OCFS Foundations in Health and Safety 5-hour e-learning by September 30, 2017
Day care centers and School age child care programs	Directors, group teachers, on-site supervisors, assistant teachers, volunteers with the potential for regular and substantial contact with children in care, <u>substitutes hired after 3-20-2017</u>	Complete the OCFS Foundations in Health and Safety 5-hour e-learning pre-service, within 3 months of start date, or by September 30, 2017, whichever is latest

Note: Any individual who has not completed the required health and safety training by the time specified above may not be left unsupervised with children in care. In addition, any individual

hired after the effective date of the regulations who has not completed the training, but will be completing the training within the first three months of starting such position, may not be left unsupervised with children in care until such training is completed.

The *Foundations in Health and Safety e-learning* will count toward the 30 hours of required training needed every two years. Topic areas found in the *Foundations in Health and Safety e-learning* will satisfy some of the topic areas required in: 414.14(d), 418-1.14(d), 418-2.14(d), 416.14(f), 417.14(f). Trainees who complete the *Foundations in Health and Safety e-learning* will receive credit toward these required topic areas, as appropriate. The certificate awarded at the conclusion of the *Foundations in Health and Safety e-learning* will document: the name of the person trained, training hours completed, and which topics the *Foundations in Health and Safety e-learning* covers from the list of mandatory training topics.

After reviewing the chart above, are you required to take the 5-hour *Foundations in Health and Safety e-learning* but don't have a computer or access to the internet? Some advice:

- Call your local Child Care Resource and Referral agency and ask for assistance with computer access.
- Call your local library and ask if computers are available to the public.
- Members of CSEA can receive assistance by calling CSEA Bi-lingual Child Care Resource Center, toll-free: 877-483-CSEA (2732).
- Members of UFT can receive assistance by calling Tammie Miller (Chapter Leader) at UFT: 212-598-9288.

You have the option of completing the 15-hour Health and Safety classroom training instead (there is a fee). For more information on how to locate a trainer, contact PDP at: 800-295-9616 or your licenser or registrar. OCFS recommends that child care programs make a plan to begin training in the *Foundations in Health and Safety e-learning* as early as is possible; do not wait until the end of the period to begin training. The total training time to complete all the modules is approximately five hours. The modules don't have to be taken all at one time or in one session. An individual will have 30 days to complete the training, once started.

Child Care Centers and School Age Child Care Group Training

Directors of day care centers (DCC) or school age child care (SACC) programs may hold group training sessions for their staff using the *Foundations in Health and Safety e-learning*. Each participant in the group session must set up an Early Childhood Education and Training Program (ECETP) account with PDP (as directed on page 1) so that credit for the training can be added to the individual's ECETP account. DCC and SACC directors choosing the group method of training may not charge their employees a fee for the training nor may they train staff who are not employees of their program. The DCC and SACC director must facilitate the *Foundations in Health and Safety e-learning* group sessions and ask for staff participation during the interactive exercises that are included in the training. Signed rosters of those trained by the DCC or SACC director must be kept on file at the program for review by OCFS representatives. In addition, the DCC and SACC director must send a copy of the **signed** training roster and the Participant's Reaction Questionnaires (PRQ) to PDP after completion of the training modules. For your convenience, these forms are available at:

Roster: <http://res.pdp.albany.edu/eLearning/HS-Foundations/Roster-HSFoundations.docx>;

PRQ: http://res.pdp.albany.edu/OnDemand_Conf/CommonFiles/Participant%20Reaction%20Questionnaire.pdf

Upon receipt of these forms, PDP will enter all individual's training credit into their ECETP account. The address to send signed rosters and PRQ to is:

The Professional Development Program
C/O Health and Safety e-learning
4 Tower Place, 4th Floor
Albany, NY 12203

The Foundations in Health and Safety e-learning will be **available in Spanish** by the Beginning of July 2017, and **Mandarin** later in the year. Check the OCFS website for updates.



Epinephrine Auto Injector News

Governor Andrew Cuomo signed a bill into law (Chapter 373 of the laws of 2016) that will permit child day care programs to purchase an epinephrine auto injector without a child-specific prescription. This law allows trained staff at a program to administer the auto injector to a child who is experiencing anaphylaxis. In order to administer the auto injector, he/she would be required to successfully complete a training course in the use of epinephrine auto-injector devices conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or by an entity or individual approved by the Department of Health Commissioner, or as directed in a specific instance to use an epinephrine auto-injector device by a health care practitioner. This law goes into effect on March 28, 2017. An appendix (J) will be available soon to capture this option in the health care plan. For more information, go to the NYS Department of Health website at these three links:

<https://health.ny.gov/professionals/ems/policy/17-02.htm>

https://health.ny.gov/professionals/ems/pdf/epi_auto-inject_training_guidelines.pdf

<http://www.health.ny.gov/professionals/ems/art30.htm#BM3000c>



Photo ID Waiver Form for the Fingerprinting of Minors

Social Services Law requires that all persons, including minors under the age of 18, who are employed by or volunteering at child care programs and have the potential for regular and substantial contact with children to be fingerprinted and checked against the Child Abuse and Maltreatment Register and the Justice Center Staff Exclusion List. An official form of photo identification is required in order to be fingerprinted and many minors do not have an acceptable form of photo identification that meets this requirement. A waiver form has been developed in order to meet the intent of the photo ID requirement for the criminal background checks for minors. In order for a minor under the age of 18 to be fingerprinted without the required forms of identification, they will need to complete form number OCFS-4931 and be accompanied by their parent or legal guardian to the fingerprinting site. This form must be signed by the parent or legal guardian **at the time of fingerprinting** in the presence of the fingerprinting location employee. The OCFS-4931 form can be found and printed at: <http://ocfs.ny.gov/main/documents/docsChildCareAll.asp>



Breastfeeding Bill of Rights

Section 2505-a of the Public Health Law, "[Breastfeeding Mothers' Bill of Rights](#)," requires that employers act in accordance with the following:

- All mothers have the right to breastfeed their babies in any location, public or private, where she is otherwise authorized to be.
- Mothers have a right to breastfeed their babies at their place of employment or child day care center in an environment that does not discourage breastfeeding or the provision of breast milk.
- Under section 206-c of the Labor Law, for up to three years following childbirth, mothers have the right to take reasonable unpaid break time or to use paid break time or meal time each day, so that she can express breast milk at work.
- Their employer must make reasonable efforts to provide a room or another location, in close proximity to their work area, where she can express breast milk in private.
- The employer may not discriminate against the mother based on her decision to express breast milk at work.



Consumer Product Safety Commission (CPSC) Recall

Kidde recalls the Combination Smoke/Carbon Monoxide Alarm due to alarm failure. The problem is the alarm can fail to continue chirping when it reaches the end of its seven-year life, even if the batteries are replaced. This creates the risk of customers not being alerted to fire or carbon monoxide incidents. If you have this item, the customer contact number to call is 1-855-239-0490. Consider signing up for consumer email recall alerts at the Consumer Product Safety Commission (CPSC) by visiting <https://www.cpsc.gov/Newsroom/Subscribe>. All that is required is the sharing of your email address. CPSC is also available on Facebook and Instagram!



An important reminder: the following regulations have been in effect since June 1, 2015

Day care center (DCC) and school age child care(SACC) programs must notify the office when the director resigns or is terminated. This notification must be made to the office immediately or no later than the next day of business. A new director must be approved and on site within 90 calendar days. The DCC or SACC program must immediately name an acting director and share that name with the office within one business day of the approved director’s resignation or termination. Non-compliance with these regulations could result in serious violations and/or progressive enforcement action.

I hope this information is helpful. Please call your licensor/registrar with any questions you may have.

Sincerely,

Janice M. Molnar Ph.D.
Deputy Commissioner
Division of Child Care Services

Si necesita leer esta carta en español, visite el portal de la División de Servicios de Cuidado Infantil en <http://www.ocfs.state.ny.us/main/childcare/letters.asp>. Si no tiene acceso a la Red o Internet, contacte al encargado de licencias o registros para recibir ayuda.