



Office of Children and Family Services

Andrew M. Cuomo
Governor

52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Commissioner

DIVISION OF CHILD CARE SERVICES POLICY STATEMENT

ID NUMBER: 20-01

TOPIC: Clarification of the Terms *Serious Incident*, *Serious Injury*, *Serious Condition*, *Communicable Disease* and *When to Obtain Emergency Medical Care*

MODALITIES IMPACTED: Child Day Care Centers, Small Day Care Centers, School-Age Child Care, Family Day Care Homes, Group Family Day Care Homes

APPLICABLE REGULATIONS: Title 18, New York Codes, Rules and Regulations (NYCRR) § 414.15(b)(14), 414.11(h)(1)(iii), 416.15(b)(14), 416.11(h)(1)(iii), 417.15(b)(14), 417.11 (h)(1)(iii), 418-1.15(b)(14), 418-2.15(b)(14), 418-1.11(h)(1)(iii) 418-2.11(h)(1)(iii)

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EFFECTIVE: IMMEDIATELY

THIS POLICY STATEMENT IS EFFECTIVE IMMEDIATELY AND
CANCELS ALL PREVIOUS MEMOS OR STATEMENTS ON THIS TOPIC.

The purpose of this policy statement is to clarify the use of the terms serious incident, serious injury, serious condition, and communicable disease as well as provide guidance regarding when to obtain emergency medical care for children who require such care as it is required in the following child day care regulations:

“The program must immediately notify the parent and Office upon learning of the following events involving a child which occurred while the child was in care at the program or was being transported by the program: death, serious incident, serious injury, serious condition, communicable disease, or transportation to a hospital.”

[Title 18, New York Codes, Rules and Regulations (NYCRR) § 414.15(b)(14), 416.15(b)(14), 417.15(b)(14), 418-1.15(b)(14), 418-2.15(b)(14)]

and

“The program must immediately call 911 for children who require emergency medical care and also must in the event of an accident or illness requiring immediate health care, secure such care and notify the parent;”

[Title 18, New York Codes, Rules and Regulations (NYCRR) § 414.11(h)(1)(iii), 416.11(h)(1)(iii), 417.11 (h)(1)(iii), 418-1.11(h)(1)(iii) 418-2.11(h)(1)(iii)]

Serious Incident

A **serious incident** is defined as a situation, or event where there is a risk to the physical, emotional, and/or mental health, safety or well-being of a child while in care.

Serious incidents include **but are not limited to:**

- A child being left without competent supervision for any length of time.
- A motor vehicle accident involving a child in care.
- An arrest of an employee, volunteer, or household member
- Sexual or inappropriate contact between any day care child and any other individual associated with the child care program
- Erratic behavior by any individual while working at, living in, or attending the child care program
- An act of aggression by an animal including, but not limited to, biting (with or without out breaking the skin)
- Domestic violence and/or physical violence between two individuals in the presence of day care children
- Any incident relevant to the child care program that resulted in a call to the Statewide Central Register of Child Abuse and Maltreatment and/or 911
- Medication errors*

*Regulations 414.11(f)(10), 416.11(f)(10), 417.11(f)(10), 418-1.11(f)(10), 418-2.11(f)(10) require: "The parent must be notified immediately, and the Office must be notified within 24 hours of any medication administration errors. Notification to the Office must be reported on a form provided by the Office or on an approved equivalent."

Serious Injury

A serious injury includes any event in which a child requires professional medical attention other than routine illness. An injury is serious when it is beyond routine superficial cuts, scrapes and bug bites.

Serious injuries include **but are not limited to:**

- A laceration that requires stitches; or is large, deep, or won't stop bleeding
- Dislocation
- Fractured bone
- Nursemaid elbow
- A human or animal bite that breaks the skin
- Injuries to the mouth including loose or chipped teeth and/or a tear in the mouth
- Any injury that results in the child losing consciousness, having labored breathing, crying incessantly, exhibiting the inability to speak, vomiting, becoming lethargic, falling asleep at an inappropriate time or unexpectedly, or is difficult to arouse or awaken
- Any head injury (a head injury may be accompanied by swelling or bruising in the affected cranial area coupled with decreased alertness, increased confusion, headache, vomiting, or difficulty walking)
- An injury to a non-verbal child where the child appears to be suffering increased pain that would not typically accompany the type of injury sustained
- Any burns, scalding, and heat-related injuries
- Electric shock
- Poisonings (suspected or known), including toxic exposure by inhalation, ingestion, or through the skin
- Insect bites that result in atypical reactions such as anaphylactic shock
- Allergic reaction including anaphylactic shock
- Any injury that may result in a sprain, dislocation, or a broken bone
- Any injury that may result in child complaining of severe pain, or losing the ability to stand, walk, or use their arms or legs in a normal function
- Injuries related to the exposure to extreme temperatures including hypothermia, dehydration, severe sunburn, or frost bite

- Loss of sight
- Near-drowning
- Choking that resulted in the use of life saving measures or a loss of consciousness

Serious Condition

A **serious condition** is defined as any issue to the physical plant of the child day care program that impedes everyday operations or may present a health or safety concern.

Serious conditions include **but are not limited to:**

- A fire, flood, or other natural disaster that occurs on child day care premises
- Community incident that occurs near or within the child day care setting including, but not limited to, a shooting, or bomb threat
- The loss of heat or running water
- Structural damage
- Mold
- Insect or rodent infestation
- Failure of fire detection and prevention systems
- Presence of lead and/or radon

Communicable Disease

A **communicable disease** is one that is spread from one person to another through a variety of ways that include: contact with blood and bodily fluids, breathing in an airborne virus, or by being bitten by an insect. In addition to notifying the parent and Office of communicable disease, reporting of suspected or confirmed communicable diseases is mandated under the New York State Sanitary Code (10 NYCRR 2.12). For the updated list of the reportable communicable diseases mandated under New York State Sanitary Code visit: <http://www.health.ny.gov/professionals/diseases/reporting/communicable/>

Communicable diseases include **but are not limited to:**

- COVID-19
- Influenza, laboratory-confirmed
- Lyme Disease
- Meningitis
- Measles/Mumps/Rubella
- Pertussis
- Rabies

For more information on communicable disease reporting, call your local health department or the New York State Department of Health's Bureau of Communicable Disease Control at (518) 473-4439 or, after hours, at 1 (866) 881-2809; to obtain reporting forms (DOH-389), call (518) 402-5012. In New York City, call 1 (866) NYC-DOH1 (1-866-692-3641) for additional information.

Obtaining Emergency Medical Care

Programs must immediately call 911 for children who require emergency medical care, arrange for transportation of any child in need of emergency health care, arrange for the supervision of children remaining in care, and notify the parent/guardian of the emergency event.

Reasons to contact 911 **include but are not limited to:**

- You believe the child's life is at risk or there is a risk of permanent injury.
- The child is acting strangely, is much less alert, or more withdrawn than usual.

- The child is having difficulty breathing or is unable to speak.
- The child's skin or lips look blue, purple, or gray.
- The child's arms and legs are rhythmically jerking (symptoms of a seizure).
- The child loses consciousness.
- The child is less and less responsive.
- The child sustains a head injury followed by decrease in level of alertness, confusion, headache, vomiting, irritability, or difficulty walking.
- The child is choking and required the use of life saving measures or the child loses consciousness while choking.
- The child exhibits symptoms of increasing or severe pain.
- The child sustains a cut or burn that is large, deep, and/ or won't stop bleeding.
- The child is vomiting blood.
- The child has a severe stiff neck, headache, and fever.
- The child exhibits symptoms of dehydration: sunken eyes, lethargy, not making tears, and/or not urinating.
- Multiple children are affected by injury or serious illness at the same time.
- Whenever you are in doubt, dial 911!

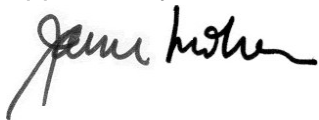
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Immediate Notification to Parent and OCFS

In an emergency, OCFS requires the child day care program to ensure that the medical needs of the injured/ill child are met, while also providing for the safety and supervision of the other children in care. The parent and OCFS must be immediately notified. If the program is unable to speak to the regulator assigned to their program, they must speak to another representative of the Office. Leaving a voicemail is not sufficient notification. Regional and registration offices provide telephone coverage Monday-Friday 9am-5pm. During these hours, the program is required to speak directly to an office representative. If the incident was discovered outside of business hours, an immediate telephone call must be made to the regional or registration office and a voicemail must be left on the regional/registration office main line voicemail box. At the beginning of the next business day, the program is required to call the regional or registration office again and speak directly to an office representative.

If a program assesses a child's injury to be non-serious and medical attention is not immediately sought, but the child later receives medical attention for this same injury or illness, OCFS must be verbally notified the same day that the program is made aware. Leaving a voicemail is not sufficient notification. If the program receives this information during business hours, call and speak directly to an office representative. If the program learns this information outside of regional or registration office hours, call and leave a voicemail on the regional/registration mainline voicemail box. At the beginning of the next business day, the program is required to call the regional or registration office and speak directly to an Office representative.

When a serious incident and/or injury is reported to the Office that contains allegations of a regulatory violation(s), an investigation will be initiated. A regulator will conduct an onsite inspection, provide technical assistance, and follow agency protocols if areas of regulatory non-compliance are identified.

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 Approved by:



Janice M. Molnar, Ph.D.
 Deputy Commissioner, Division of Child Care Services
 Office of Children and Family Services

Date: April 23, 2020