



THE CITY OF NEW YORK

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

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Change in New York City Health Child Care Regulations

HIGHLIGHTS

- **Staff Tuberculosis Testing** – TB tests are now required upon hire only. Article 47 no longer requires annual tuberculosis testing.
- **Physical Activity** – 60 minutes of physical activity are now required for children 12 months of age and older. For children 3 years of age and older, 30 of the 60 minutes shall be guided and structured physical activity.
- **Television viewing** - restricted for children under two years of age and limited to no more than 60 minutes per day for children 2 years or older.
- **Nutrition** – New Requirements for beverages limit the fat content of milk for children 2 or older, limit the provision of juice, restrict beverages with added sweeteners, and require that water be made available to children throughout the day.

March 20, 2007

Dear Group Child Care Service Operator:

On June 15, 2006, the Board of Health amended several provisions of Article 47 of the New York City Health Code. The following is a summary of the changes:

Tuberculosis. §47.27 Health, staff - Subdivision (d) Test for tuberculosis infection for new hires. Effective July 31, 2006, requirements for testing and follow-up have been amended to:

- Require staff tuberculosis tests upon hire only. The requirement for annual retesting of child care staff has been eliminated.
- Allow the use of an FDA-approved blood test and the tuberculin skin test using the Mantoux method.
- Require child care operators to report the names of newly hired staff testing positive for latent tuberculosis infection to the Department of Health and Mental Hygiene (the Department). Reports received by the Department will be kept confidential, in accordance with Health Code §11.07. Staff testing positive cannot be compelled to undergo treatment for latent tuberculosis infection. However, the Department encourages such persons to discuss the possible need for treatment with their physicians, or with staff of the Department's Bureau of Tuberculosis Control. Included in this mailing is a "Case Information Form" which may be used for the purpose of reporting staff testing positive for latent tuberculosis infection.

Bureau of Day Care

2 Lafayette Street, 22nd Floor, CN 68, New York, New York 10007, (212) 676-2444 Fax (212) 676-2424

In an effort to address the dramatic increases in the rates of obesity in young children, Article 47 was amended to promote increased physical activity and healthy eating. Effective January 1, 2007, these amendments include:

Physical Activity. §47.35 Outdoor play – Subdivision (b) has been amended to require:

- Appropriate dress in relation to weather and temperature during outdoor play.
- Safe indoor play areas that encourage active play during inclement weather.

§47.36 Physical activity and limits on television viewing – This new section establishes requirements and minimum time allotments for, and documentation of daily physical activity, based on age of children and amount of time spent in a child care service. It requires that:

- Children 12 months of age and older attending a full day program participate in 60 minutes of physical activity per day.
- For children three years of age and older, at least 30 of the 60 minutes of physical activity must be structured and guided.
- The amount of television viewed by children is limited in time and content. Television, video, and other visual recordings are restricted for children under two years of age and limited to no more than 60 minutes per day of educational programming or programs that actively engage child movement, for children 2 years or older.

Nutritional Standards. §47.37 Food and Food Areas – Subdivision (b) has been amended to:

- Restrict the use of beverages with added sweeteners.
- Limit the amount and manner of provision of juice to children.
- Limit the fat content of milk served to children two years of age or older to 1% or lower.
- Require the distribution of nutritional guidelines to parents for provision of meals brought into the day care service from other sources.

To assist you in compliance with the new Health Code provisions; enclosed please find the following attachments:

- Texts of the amended provisions of Article 47 adopted by the Board of Health.
- Guidelines to assist you in incorporating physical activities into your daily schedule and in preparing food which is wholesome, nutritious and of good quality.
- Nutritional guidelines for distribution to parents who send their children to day care with food and beverages.

The enclosed guidelines are being provided as recommendations to guide your menu development and daily activity program, as well as to provide guidance to parents regarding the food they send with their children. Strict compliance with these guidelines is not a requirement of Article 47, although it is expected that programs will follow many of their recommendations.

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We trust the enclosed materials will provide you with information about the amendments to Article 47 and assist you in implementing the required changes. If you have any questions, please contact your respective Early Childhood Education Consultant. Thank you for your cooperation in this matter. We look forward to continuing our work together to provide New Yorkers with high quality and safe child care services.

Sincerely,



Frank Cresciullo
Assistant Commissioner

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