



New OCFS Anaphylaxis Policy for Child Care Programs

On March 15, 2021 OCFS sent [a Dear Provider Letter](#) to programs to inform them of the recent requirements regarding Elijah's Law. The email contained not only the letter but [the anaphylaxis policy](#) as well as a new [OCFS-6029 Form](#) (The Individual Allergy and Anaphylaxis Emergency Plan).

As per OCFS:

In 2019 Governor Cuomo signed new legislation called "Elijah's Law". The law is named after 3-year-old Elijah Silvera from New York City who was given a grilled cheese sandwich while at day care despite having a known severe dairy allergy. After Elijah went into anaphylaxis, his family was not told what he had eaten and 911 was not called. Elijah died in November 2017. Implementation of Elijah's Law requires changes to your child care program, valuable, potentially life-saving changes, that are intended to prevent further tragedy.

Elijah's Law requires child care programs to be in compliance with the policy six months from the date of distribution. OCFS strongly encourages child care programs to make the required policy updates as soon as possible, and will begin monitoring for compliance on September 15, 2021.

As indicated in the letter, the forms that will be involved in the new requirements are as follows:

Child care providers are required to complete the OCFS-6029 Individual Allergy and Anaphylaxis Emergency Plan for any child with a known allergy. The provider must work with the parent/guardian and the child's health care practitioner to develop written instructions outlining what the child is allergic to, prevention strategies, and steps that must be taken if the child is exposed to a known allergen or is showing symptoms of exposure. The plan must be reviewed upon admission to the child care program, annually thereafter, anytime there are staff or volunteer changes, and/or anytime information regarding the child's allergy or treatment changes. This form must be attached to the child's LDSS-7006 Individual Health Care Plan for a Child with Special Health Care Needs.

Anaphylaxis Policy for Child Day Care Programs also requires updates to the program's Health Care Plan. All of the OCFS Health Care Plan forms have been revised. The program is not required to complete a new health care plan in its entirety. Programs are also strongly encouraged to update their Health Care Plan as soon as possible and are required to implement all required elements the policy by September 15, 2021. Your regulator and/or health care consultant (as applicable) will be reviewing the Health Care Plan to ensure compliance with these new requirements. All of the forms referenced in this section are posted on the OCFS website at: <https://ocfs.ny.gov/search/docs.php?type=1&topic=3>



The letter goes on to state that:

OCFS will file a notice of proposed rulemaking to enact the necessary changes to regulations to require compliance with Anaphylaxis Policy for Child Day Care Programs. In addition, the proposed regulations will clarify the roles and responsibilities for patient-specific epinephrine auto-injectors, require annual review of the Health Care Plan, and newly authorizes child care programs to possess non-patient specific epinephrine auto-injectors, provided the program complies with all requirements of New York Public Health Law Section 3000-c. OCFS will notify child care programs when the proposed regulations are filed with the Department of State and are available for public comment.

There will also be a new training offered:

OCFS has developed a 30-minute online training that provides information about common allergies and ways to avoid exposure to prevent reactions. The training also discusses the signs and symptoms of allergic reactions, including when to use a non-patient specific epinephrine auto-injector. Soon, this training will be available at no cost to child care programs. OCFS will notify programs when the training is available.

And finally, OCFS announced their auto injector initiative:

OCFS is thrilled to announce we are partnering with Health First, the company that manufactures AUVI-Q, an epinephrine auto injector for children weighing between 16.5-33 pounds. Upon successful completion of the required training, a child care program may request to have an AUVI-Q injector package shipped to their program at no cost. The package includes two stock auto injectors and one training device. This addition to a child care program's emergency toolkit may save a child's life. While OCFS strongly encourages all programs to take advantage of this exciting opportunity, participation in the AUVI-Q initiative is voluntary. Additional details will be shared in the coming weeks.