



Vaccination and Mask Requirements for Early Intervention Providers

Introduction

The Commissioner of the New York City Department of Health and Mental Hygiene (NYC Health Department) has ordered staff working for Early Intervention (EI) provider agencies in NYC to be vaccinated against COVID-19, and for staff and children age 2 and older to wear a face mask, provided that an Early Intervention provider may modify this requirement where they determine it appropriate based on the developmental needs of the child receiving EI services.

As of Monday, December 20, 2021, all staff working for NYC EI provider agencies must have submitted proof that they have received at least one dose of a COVID-19 vaccine. This means in-person EI service coordination, evaluation, or therapeutic or educational services. This requirement also applies to staff hired on or after December 20, 2021. This requirement is key to ensuring the safety of children, families and providers in the EI Program.

The guidance below is intended to support EI provider agencies as they implement this new requirement.

EI Providers Covered by This Mandate

This mandate applies to all staff working for NYC EI providers who work in-person at locations where children are regularly present, or in any setting or location where EI services are provided, as authorized by the NYC EI Official or their designee. **EI services** includes in-person therapeutic, developmental or education services, service coordination, and multidisciplinary and supplemental evaluations. **Staff** includes:

- Employees, contractors, volunteers or interns of the EI provider
- Graduate, undergraduate or high school students placed by their educational institution with an EI provider as part of an academic program
- Specialists providing support services, therapy, special education or other services with an EI provider
- People employed by a contractor of an EI provider, including independent contractors

This mandate also applies to staff of EI provider agencies attending in-person Individualized Family Service Planning meetings at a NYC Health Department Bureau of Early Intervention Regional Office, as children and families are regularly present at these locations.

Please note that staff does **not** include a parent, guardian, or other household member of a child authorized to receive EI services, or a person who is onsite briefly for a limited purpose, such as for a delivery or pickup or to perform a repair.

Tracking and Documentation Requirements

Each NYC EI provider must securely maintain electronic or paper records of staff members' proof of vaccination. These records must be updated on an ongoing basis and made available to the NYC Health Department, Bureau of EI, Provider Oversight Unit upon request. The program must maintain a report that tracks the following information:

- **Name of staff member and start date at the program**
- **Type of proof of vaccination** submitted, which may include:
 - CDC Vaccination Card. A digital photo or photocopy of this card is also acceptable.
 - NYC Vaccination Record or other official immunization record, including from a health care provider. A digital photo or photocopy of this is also acceptable.
 - NYC COVID Safe App (iOS) printout or screenshots
 - CLEAR Health Pass printout or screenshots
 - NYS Excelsior Pass/Excelsior Pass Plus
- **Vaccine product administered.** EI provider agencies will need to know which vaccine brand the staff person received to determine whether they need one dose or two doses. Acceptable vaccines are those authorized or approved by the Food and Drug Administration (FDA) or authorized for emergency use by the World Health Organization (WHO), and those part of a U.S.-based clinical trial. Acceptable vaccines:
 - Pfizer-BioNTech (also known as COMIRNATY, Tozinameran) (two-dose series)
 - Moderna (also known as Takeda, Spikevax) (two-dose series)
 - Johnson & Johnson/Janssen (single-dose)
 - AstraZeneca (also known as Covishield, Vaxzevria) (two-dose series)
 - COVAXIN (Bharat Biotech International) (two-dose series)
 - Sinopharm-BIBP (Beijing Institute of Biological Products) (two-dose series)
 - Sinovac (CoronaVac) (two-dose series)
 - Novavax, for people participating in the clinical trial only (must confirm receipt of active vaccine (not placebo))
- **Date that proof of vaccination was collected**
- **Whether the staff member is currently fully vaccinated**
 - To be fully vaccinated, at least two weeks must have passed since the person received the second dose in a two-dose series, or a single dose of a vaccine that requires only one dose. People who received two different vaccines are considered fully vaccinated if both vaccine products are authorized or approved by the FDA or WHO.
 - For staff members who have received the first dose of a two-dose series, the **date by which proof of the second dose must be submitted** (45 calendar days from the date proof of their first dose was submitted).
 - For staff members who have not received the second dose of a two-dose series at the time of initial reporting, the provider must later receive proof of and record the **date that the second dose was received**.

- For any staff who did not submit proof of COVID-19 vaccination because they were granted a reasonable accommodation, **date on which the staff was notified of the reasonable accommodation.**
- For any staff who did not submit proof of COVID-19 vaccination and were not granted a reasonable accommodation, **date and method by which the staff was notified that they were ineligible to provide in-person service coordination, evaluation or services in the EI Program.**
- At this time, programs are **not** required to track staff who have received booster shots after completing their initial series.

Exemption Requests

The EI provider agency must be prepared to handle staff requests for a medical or religious exemption. For more information, visit [cdc.gov](https://www.cdc.gov) and search for **workplace vaccination program**. For any staff who did not submit proof of COVID-19 vaccination because such staff requested a reasonable accommodation, the record must indicate whether such accommodation was provided. The program must separately maintain records stating the basis for making a determination on such accommodation request and the supporting documentation provided by the staff in accordance with applicable laws, including the Americans with Disabilities Act.

Exemptions and Reasonable Accommodations

Staff that receive approved exemptions cannot be on-site during the hours that EI services are being provided to children and families unless they become vaccinated, but they may be reassigned with different job duties that can be completed off-site or after-hours. Furthermore, EI therapists, teachers, evaluators and service coordinators who receive approved exemptions cannot provide in-person EI services.

Teachers and therapists who are not vaccinated and have been providing **teletherapy** services to a family may continue to do so. **Transitioning children from in-person to teletherapy services so that a therapist who is not vaccinated may continue to serve them is not an acceptable accommodation without express written parental consent.** Teletherapy services should be delivered based on the needs of the child and family and not that of the service provider.

Staff Who Choose Not to Get Vaccinated

As of December 20, 2021, staff that choose not to get vaccinated cannot be on-site during hours that the program is offering EI services to children and families and cannot deliver in-person EI services in any setting or location where EI services are provided as authorized by the NYC EI Official or their designee. This includes EI in-person therapeutic, developmental or education services, service coordination, multidisciplinary and supplemental evaluations.

NYC EI Monitoring of Vaccination Mandate Compliance

The NYC Health Department, Bureau of EI, Provider Oversight Unit will be monitoring all EI providers' compliance with the vaccination mandate. The Bureau will contact all EI provider agencies with a form on which they must report the vaccination status of all staff who deliver EI

services or work in a setting or location where EI services are provided as authorized by the NYC EI Official or their designee. Agencies will be required to return the form to the Bureau on January 20, 2022, via the Health Commerce System (HCS) Secure File Transfer. On this form, agencies must account for every staff member currently working in their EI Program, indicating whether they are fully vaccinated, partially vaccinated, or not vaccinated. The Bureau will request the underlying documentation (for example, copies of vaccination cards) for samples of staff on an ongoing basis. The Bureau will request an updated list March 7, 2022, to demonstrate compliance of staff who were pending a second dose at the time of the first list. Failure to comply may result in a summons subject to a \$1,000 fine.

Information About the COVID-19 Vaccine

The COVID-19 vaccines are safe, effective and free. People can find a vaccination site by visiting nyc.gov/vaccinefinder or by calling 877-VAX-4-NYC (877-829-4632). People can request an in-home vaccination by visiting nyc.gov/homevaccine or by calling 877-829-4632. Please encourage your staff to get vaccinated as soon as possible in order to meet this requirement.

Face Mask Requirement

The face mask requirement articulated in the NYC Health Commissioner's order is consistent with the current face mask requirement issued by the New York State Department of Health, Bureau of EI. With the exception of the child receiving the EI service, all staff and people who are over age 2 and can medically tolerate a face mask must wear one while at an EI program. EI therapists and teachers must wear a face mask during the entire course of EI service delivery regardless of setting. Therapists and teachers may use alternative face coverings (such as face masks that are transparent at or around the mouth) for therapies or interventions that require visualization of the movement of the lips and mouth (for example, speech therapy or therapy with children who are hearing impaired). All participants who will be part of an EI session and are over age 2 must wear a face covering if they can medically tolerate one. However, it is expected that the child receiving EI therapeutic intervention will not be able wear a face mask during the session due to their age and developmental delays or disabilities.

Implementation Questions

Please email EITA@health.nyc.gov with any implementation questions.

The NYC Health Department may change recommendations as the situation evolves.

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