



**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
BOARD OF HEALTH**

**Notice of Public Hearing and Opportunity to Comment on  
Proposed Amendments to Article 49 of the New York City Health Code**

**What are we proposing?** The New York City Department of Health and Mental Hygiene (“Department”) is proposing that the Board of Health amend the requirements for medical examinations for school-age children in Article 49 of the New York City Health Code (“Health Code”) to require medical examinations for children entering prekindergarten, kindergarten, 5<sup>th</sup> and 9<sup>th</sup> grades, and to specify that only licensed physicians, physician assistants, and nurse practitioners may sign the medical examination certificate. The Department is also proposing that the Board of Health amend the medical room standards for New York City public and non-public schools in Article 49 of the Health Code to add stricter standards for medical rooms.

**When and where is the hearing?** The Department will hold a public hearing on the proposed rule. The public hearing will take place from 10:00 a.m. to 11:00 a.m. on November 2, 2026. The hearing will be conducted by video conference accessible via internet or telephone:

- **Internet.** To participate in the public hearing, please join this Zoom meeting: <https://health-nyc.zoomgov.com/j/1651663681?pwd=Svk63o2s7wTyShuGThUSEXA35AbWuA.1>  
If prompted to provide meeting ID or password, please enter the following:  
Meeting ID: **165 166 3681**, Passcode: **728200**
- **By phone:** For access, dial: (646) 828-7666 or Toll-free: (833) 568-8864; (833) 435-1820, then please enter the following Meeting ID: **165 166 3681**.

**How do I comment on the proposed amendments?** Anyone can comment on the proposed amendments by:

- **Website:** You can submit comments to the Department through the NYC Rules website at <https://rules.cityofnewyork.us>.
- **Email:** You can email written comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov).
- **Mail:** You can mail written comments to:  
New York City Department of Health and Mental Hygiene  
Gotham Center, 42-09 28th Street, 14th Floor, CN 30  
Long Island City, NY 11101-4132.
- **Fax:** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing:** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov) before the hearing begins at 10 a.m. on November 2, 2026. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. You can speak for up to

three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit written comments?** Written comments must be received on or before 5:00 PM on November 2, 2026.

**What if I need assistance to participate in the hearing?** You must tell the Department’s Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including if you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses given above. You may also tell us by telephone at 347-396-6078. Please give us advance notice to allow sufficient time to arrange the accommodation. Please tell us by October 19, 2026.

**Can I review the comments made regarding the proposed amendments?** You may review the online comments made on the proposed amendments at <https://rules.cityofnewyork.us/proposed-rules/>. All written comments and a summary of the oral comments received by the Department will be made available to the public within a reasonable time after the hearing by the Department’s Office of General Counsel.

**What authorizes the Department to make these amendments?** Sections 556, 558 and 1043 of the New York City Charter (“Charter”) authorize the Department to make these proposed amendments.

**Where can I find the Department’s rules and the Health Code?** The New York City Health Code is located in Title 24 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Department must meet the requirements of Section 1043 of the Charter when amending the Health Code. This notice is made according to the requirements of Section 1043 of the Charter. These amendments were not included in the Department’s most recent regulatory agenda because they were not contemplated when the Department published the agenda.

## **Statement of Basis and Purpose of Proposed Rule**

### **Background**

#### *Medical Examinations for School-aged Children*

Section 49.05 of the New York City Health Code requires that students receive a medical examination immediately prior to admission to school, or as soon as possible after admission. The examining health care professional must then provide a summary of the results, also known as a medical examination certificate, for the child’s school. New York State currently requires a medical examination for new entrants, students entering pre-kindergarten or kindergarten, and grades 1, 3, 5, 7, 9, and 11, but excludes students in New York City. 8 N.Y.C.R.R. § 136.3(b)(1).

The Department proposes amending the Health Code to require a medical examination for children entering prekindergarten, kindergarten, 5<sup>th</sup> and 9<sup>th</sup> grades. This proposed change would modernize New York City’s student health oversight framework by introducing updated health examination requirements at key developmental milestones. The proposed change would support early

identification of health concerns, strengthen school safety, advance health equity, improve care coordination, and better align New York City with statewide standards to ensure students are healthy, safe, and ready to learn.

The Department also proposes amending the Health Code to specify that only licensed physicians, physician assistants, and nurse practitioners may sign the medical examination certificate, which would be consistent with New York State Education Law § 903(1).

### *Medical Room Standards*

The Department prescribes minimum standards for every public or private school where the New York City Office of School Health (“OSH”) provides health services to school children. These standards include the requirements for an appropriate medical room where school physicians and nurses can carry out their duties, as mandated by New York City Administrative Code § 17-187. New York City public and non-public schools offer health services to students. School physicians and nurses help manage the health of students with health issues like asthma, allergies and diabetes. Students with health issues and disabilities can receive prescribed medicine, skilled nursing treatments and accommodations authorized by Section 504 of the Rehabilitation Act of 1973 in school. Additionally, school physicians conduct new admission examinations.

The Department proposes amending the medical room standards set forth in section 49.07 of the New York City Health Code to include, among other things:

- a storage cabinet,
- wired internet access,
- a desktop computer, and
- a dedicated all-in-one printer, to ensure students’ privacy and support efficiency.

### **Statutory Authority**

The authority for these proposed amendments is found in Sections 556, 558 and 1043 of the Charter. Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 556(d)(7) of the Charter provides the Department with jurisdiction to promote and provide medical and health services for school children. Sections 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include all matters to which the Department’s authority extends. Section 1043 grants the Department rule-making authority.

Underlined language is new.

Language in [brackets] is to be deleted.

Ellipses (\*\*\*) indicate unamended text.

**RESOLVED**, that subdivision (a) of section 49.05 of Article 49 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (a) Immediately prior to admission to school, or as soon as possible after admission, and immediately prior to prekindergarten, kindergarten, 5th grade and 9th grade, each child [shall] must have a thorough medical examination by a licensed physician [or by a physician's associate or specialist's assistant who is duly registered pursuant to §65.31\* of the Education Law], physician assistant, or nurse practitioner who is authorized to practice in New York State or in the jurisdiction in which the examination was given and is authorized to conduct such examination [pursuant to regulations promulgated by the State Commissioner of Health] in accordance with applicable law and regulations. The examining professional [shall furnish] must provide to the school a [signed statement] certificate signed by such physician, physician assistant, or nurse practitioner, on a form prescribed by the Department, containing a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendations for exclusion or treatment of the child, [or modification of his activities, or plans for the health supervision of a handicapped child] including modification of his or her activities. The examination must not have been made more than twelve months prior to the beginning of the school year in which the examination is required.

**RESOLVED**, that subdivision (b) of section 49.05 of Article 49 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (b) If [a child does not present the statement] the certificate prescribed by subsection (a) is not presented at the time of admission or prior to the beginning of the school year in which the examination is required, the person in charge of the school [shall] must promptly notify [his] the child's parents or guardian that unless the child is examined by a private licensed physician or a duly authorized private physician['s associate] assistant or a duly authorized private [specialist's assistant] nurse practitioner, and a [statement] certificate is presented pursuant to subsection (a) of this section within ten days, a medical examination of the child will be made by the school physician[, school physician's associate or school specialist's assistant]. If, ten days after the sending of such notice, the required [statement] certificate is not received, the person in charge [shall] must notify the school physician[, physician's associate or specialist's assistant] who [shall] must then examine the child.

**RESOLVED**, that subdivision (d) of section 49.07 of Article 49 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (d) Every public or private school where [a Department or Department of Education nurse, public health advisor or school health services aide] the Office of School Health provides health services to school children must have an appropriate medical room where [the nurse, public health advisor or school health service aide] an Office of School Health representative can carry

out their duties. Such school's medical room [should] must be in a dedicated space with no through traffic, wheelchair-accessible, on a lower floor (preferably not the basement), and in a central building location; and [should] must contain the following:

- (1) a workstation;
- (2) a medical cabinet, a filing cabinet, storage cabinet, medication refrigerator, exam table and scale;
- (3) an appropriate waiting area;
- (4) a bathroom internal to or adjacent to the medical room;
- (5) a holding area for a student awaiting transportation or pick-up (80 square feet); and
- (6) a nursing/treatment area that meets the following requirements:
  - (i) minimum of 200 square feet in buildings for up to 800 students and 300 square feet in larger buildings to accommodate more staff;
  - (ii) a Windows desktop computer with the latest required operating system and a dedicated all-in-one print/fax/scan/copy printer for each medical room;
  - [(ii)] (iii) sink with hot and cold running water;
  - [(iii)] (iv) floor-to-ceiling walls substantial enough to maintain privacy;
  - [(iv)] (v) easy to clean surfaces (e.g., no carpeting);
  - [(v)] (vi) Dedicated wired (not Wi-Fi) network/internet access and adequate electrical power (multiple outlets) for computers and medical equipment;
  - [(vi)] (vii) telephone line able to make direct calls out of building (e.g., 911 calls) and to send and receive faxes;
  - [(vii)] (viii) adequate heating and air conditioning, lighting and ventilation, including a window;
  - [(viii)] (ix) secure lock that cannot be opened by other school keys (excluding master key); and
  - [(ix)] safety button to enable nurse to have immediate access to security in the event of an emergency.]
  - (x) clearly established method to enable an Office of School Health representative to have immediate access to building security in the event of a safety issue.

**RESOLVED**, that section 49.07 of Article 49 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended by adding a new subdivision to read as follows:

(e) As used in this section, the term Office of School Health means the joint program of the New York City Department of Health and Mental Hygiene and the New York City Department of Education which is responsible for overseeing the provision of school health programs and services in New York City.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Rules Relating to Medical Room Standards in Schools

**REFERENCE NUMBER:** 2026 RG 035

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Senior Counsel

Date: 5/15/2026

**NEW YORK CITY MAYOR’S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Amendment of Rules Relating to Medical Room Standards in Schools

**REFERENCE NUMBER:** DOHMH-170

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor’s Office of Operations

May 18, 2026  
Date