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**New York State Department of Health  
Bureau of Early Intervention Electronic Mailing List**

**Flu Mask Requirements and Early Intervention**

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Dear Colleague:

The following is a clarification Question and Answer regarding Early Intervention and the New York State Department of Health, "Regulation for Prevention of Influenza Transmission by Healthcare and Residential Facility and Agency Personnel", effective July 31, 2013.

**Q:** Are providers of Early Intervention (EI) services covered by the regulation requiring health care workers to wear a mask if they have not received vaccination for influenza? If so, in what areas/settings would unvaccinated personnel be required to wear masks?

**A:** EI providers who are not employed by, or under contract/affiliated with, a facility or agency licensed under Article 28, 36 or 40 of the Public Health Law are not covered by this regulation.

The Department understands that some entities, such as county health departments, are both licensed to provide Article 28 services and also approved to provide EI services. In such cases, the regulation does not apply to EI providers who are providing EI services in settings outside of the Article 28 healthcare facility, such as the homes of EI children and families. However, EI providers would be covered under the regulation if they are providing services within the confines of the Article 28 healthcare facility in areas where patients seeking Article 28 services are typically present.

Thank You

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