The Child Performer Advisory Board to Prevent Eating Disorders: Recommendations to the New York State Commissioner of Labor

Overview

The Child Performer Advisory Board wishes to thank the Commissioner of Labor M. Patricia Smith and the State of New York for the opportunity to make the following recommendations regarding the establishment of guidelines for employment of child performers and models for preventing eating disorders. These recommendations are presented as required by New York State Labor Law, Sec 154.1 We hope these recommendations will lead to regulations that will significantly improve the health and well being of performers and models under the age of 18 living and/or working in New York State.

The Department of Labor is uniquely positioned to address this serious health problem among an occupational group that may be particularly at risk for developing eating disorders within an age range that correlates with the most common ages of onset for illnesses that respond best to early identification and treatment.

The Board's mandate comes from Bill S6158 Justification which states, "Eating disorders, such as anorexia nervosa and bulimia nervosa are biologically-based illnesses that are influenced by environmental factors, including societal and other pressures to be thin." Eating disorders generally develop during adolescence and young adulthood. According to a recent report, lifetime prevalence estimates of anorexia nervosa, bulimia nervosa, and binge eating disorder are .9%, 1.5%, and 3.5% among women, and .3% .5%, and 2.0% among men.ii Eating disorders are associated with many potentially serious medical complications, some of which may cause long-lasting disability. Notably, anorexia nervosa is associated with the highest mortality rate of a psychiatric illness. These facts have been highlighted by the recent deaths of young professional models due to the complications of anorexia nervosa and by previous deaths and illnesses suffered by entertainment professionals with eating disorders.iii

The Board recommends these following guidelines in hopes that they will educate young people who work as performers and/or models, along with their parents, physicians and employers, about the dangers of eating disorders and the importance of prevention, identification and treatment for these serious conditions. Additionally, the Board intends through these guidelines to help New
April 15, 2009

York State achieve a healthier workforce, including helping young workers to continue their careers in the entertainment industry should they so choose. These recommendations include enhanced requirements for physical assessment as part of the permit application process to improve the likelihood of proper identification and treatment referral for those with eating disorders. In addition, we recommend permit limitations, if needed, to assure proper evaluation and treatment of an eating disorder.

The Board was challenged by the legislative wording that required it to consider guidelines “requiring medical or mental health screenings, by medical or mental health professionals with demonstrated expertise in the diagnosis for persons suspected of having an eating disorder.” The Board spent significant time discussing the realities of specialized eating disorder assessment and treatment, recognizing that the numbers of eating disorder “experts” are few and that requiring an expert screening would be logistically difficult and perhaps excessively burdensome economically to the child performer and parent. The Board therefore developed resource and educational materials for all physicians to use in the physical assessment that will be a necessary component of the child performer permit process.

The Board’s recommendations place most of the responsibility for eating disorder screening upon the applicant, his/her parent or guardian, and the applicant’s physician, where the Board believes such responsibility ought to reside. The employer’s responsibility remains mainly in the area of ensuring that all covered performers and models have the proper permit before employment begins.

We hope that these recommendations are shared with the New York State Department of Education that permits child models, as well as with relevant agencies such as Department of Health and Office of Mental Health.

Since raising awareness about eating disorders was a central goal of the Board’s mission, and remains a crucial aspect in improving the rates of proper identification and treatment, the Board members have offered to participate in a media campaign announcing the new regulations.

The Board anticipates the need to periodically review the effectiveness of these recommendations and to update the permit procedures if necessary. The Board would be happy to reconvene in two years or sooner if the Commissioner wishes their assistance on this important matter.
Recommendations

I. The Board makes the following recommendations to the Commissioner of Labor regarding the consideration of Body Mass Index standards (BMI) or weight and height standards and the requiring of medical or mental health screenings, by medical or mental health professionals with demonstrated expertise in the diagnoses and treatment of eating disorders, for persons suspected of having an eating disorder:

A) The Department requires that in order to obtain a child performer permit an applicant of any age demonstrate evidence of a recent (within the previous 12 months) physical exam performed by a pediatrician, adolescent medicine specialist, family practice physician or internist which would include an eating disorder screening as part of the exam.

B) The Commissioner of Labor recommends to the Department of Education that an eating disorder screening be added to the already required physical exam for an applicant to obtain a child model permit. This will achieve parity in the physical exams required for child performers and models in order to prevent and detect eating disorders.

C) The Department requires that an applicant’s physician submit a certification of physical fitness to the Department attesting that the applicant is physically able to work, as is the case with regular employment and child models regulated by the Department of Education. The Department shall keep the physical fitness certification on file for 1 year to be renewed annually.

D) The Department uses the current Department of Education AT-16 as a model for the certification of physical fitness with the following modifications:

1. Include a time limit on the validity of the physical fitness certification. This will ensure that an applicant who has been identified as possibly having an eating disorder comply with treatment and that his/her condition be monitored. The physician may limit the validity of the certification to expire before 1 year. If the certificate of physical fitness expires, then the permit will be invalidated. The time limits placed on the validity of the certification may be 90, 180, or 240 days depending on the physician’s determination for treatment or monitoring needed.

2. The physician answer the following questions prior to an attestation statement and signature on the certification of physical fitness:
E) The Department provides the following guideline to the screening physician to aid in the assessment of the presence of a possible eating disorder and serves as a basis for treatment recommendation and/or referral for treatment.

a) Is the BMI percentile ≤ 5th percentile?

b) Is there evidence that the individual has demonstrated failure to achieve expected weight gain?

c) Is the individual’s menstrual history normal?

d) Does the applicant endorse symptoms and or physical manifestations of an eating disorder?

F) The Department provides information to the screening physician about the importance of the certification process and provides information on accessing educational materials on eating disorders.

G) The Department provides the following information to the screening physician. The Department may choose to provide the outline via direct mail or fax to the physician or provide the applicant with the outline to bring to the physician who will perform the physical exam. The Department shall post the outline on the Department website.

1) The physical exam required to obtain the child performer or child model permit must include an eating disorder screening. The screening must include measurement of height, weight, calculation of Body Mass Index (BMI) and BMI percentile. The physical exam must also include vital signs, menstrual history and a review of the physical manifestations associated with eating disorders.
2) The physical exam must include inquiry into eating behaviors, e.g., using the American Medical Association Guidelines for Adolescent Preventive Services (GAPS) assessment or the mnemonically titled SCOFF questionnaire. These assessment tools are shown below:

**GAPS:**
These questions will help us get to know you better. Choose the answer that best describes what you feel or do.

- a. Are you satisfied with your eating habits? Y Y
- b. Do you ever eat in secret? Y N
- c. Do you spend a lot of time thinking about ways to be thin? Y N
- d. In the past year, have you tried to lose weight or control your weight by vomiting, taking diet pills, or starving yourself or skipping meals? Y N
- e. Do you exercise or participate in sport activities that make you sweat and breathe hard for 20 minutes or more at a time at least three or more times during the week? Y N

**SCOFF:**

- a. Do you make yourself SICK when you feel uncomfortably full?
- b. Do you worry you have lost CONTROL over how much you eat?
- c. Have you recently lost more than 14 pounds within three months? (this quantity is known in Great Britain as ONE stone's worth of weight)
- d. Do you believe you are FAT when others say you are too thin?
- e. Would you say that FOOD dominates your life?
II. The Board makes the following recommendations to the Commissioner of Labor regarding the consideration of Body Mass Index standards (BMI) or weight and height standards and requiring referrals for treatment of eating disorders:

A) The Department uses the outline below as a guideline for the treatment of Eating Disorders.

B) The Department provides outline below to the screening and/or treating physician to be reviewed in consideration of the issuance of certificate of physical fitness for the Child Performer Permit and Child Model Permit.

C) The Department posts the outline on the NYS DOL website where parents, physicians and employers may view it.

Treatment guidelines for the screening/ treating physician
A physician may choose to refer an applicant for treatment based on the applicant’s BMI percentile and/or their behavioral analysis. The Board recommends that the physician use the recommended treatment outlines as follows which are based on the APA recommendations and Board experience.

1. Treatment recommendations based on Body Mass Index (BMI) percentiles for age.

   Use body mass index percentiles for age
   a) <5<sup>th</sup> percentile
      - Medical stabilization including re-feeding on an inpatient medical unit.
      - No exercise
   b) 5 to <10<sup>th</sup> percentile
      - Intensive outpatient programming
      - Partial Hospitalization
      - Residential Treatment
      - No exercise
   c) ≥10<sup>th</sup> percentile
      - Outpatient treatment
         - Therapist
            One to two times per week
            Individual, group, family therapy is indicated
            CBT, DBT, IPT recommended forms of therapy
         - Dietician
            One to two times per week
            Weekly weights
            Establish specific meal plans consistent with treatment goals
- Physician
  Medical monitoring
  Visits q4 weeks
- Expectations
  1/2lb to 1lb weight gain per week
  Maintain healthy behaviors
- Exercise
  Weight bearing exercise with normal menstrual cycle and/or acceptable bone density

2. Treatment recommendations based on behavioral profile and presence or absence of co morbid conditions.

  Multiple methods of compensatory behavior
  - Intensive Outpatient Programming, Partial Hospitalization, Residential treatment
  Medical abnormalities (i.e. low K)
  - Medical Stabilization
  Significant weight loss or gain in less then one month without medical complications
  - Intensive Outpatient Programming, Partial Hospitalization, Residential treatment
  Suicidal/Homicidal Ideation/Attempt or Self harming behaviors
  - Inpatient Psychiatric Admission with discharge to Intensive Outpatient Programming, Partial Hospitalization, Residential treatment if SA/HA is related to ED
  Debilitating Anxiety and/or Depression related to Eating Disorder
  - Intensive Outpatient Programming, Partial Hospitalization, Residential treatment
  - GAF of 45 or less Inpatient Psychiatric Admission with discharge to Intensive Outpatient Programming, Partial Hospitalization, Residential treatment if SA/HA is related to ED
  - Use of healthy exercise

  Co morbid substance abuse and or dependence
  - Intensive Outpatient Programming, Partial Hospitalization, Residential treatment
III. The Board makes the following recommendations to the Commissioner of Labor regarding employment restrictions for persons diagnosed with or suspected of having eating disorders:

A) The Department requires that an employer post the regulations for child performers and models including information about eating disorders and resources in a conspicuous place in his or her establishment.

B) The Department conducts coordinated and targeted enforcement efforts with all involved agencies (Education Department, Department of Consumer Affairs, etc) among employers who employ child performers and models especially among the modeling industry and second dance companies, apprentice companies and or junior companies which employ performers covered by Article 4A of NYS Labor Law.

C) The Department requires that in order to obtain or renew a Certificate to Employ Child Performers, an employer must attest that they have reviewed the educational materials regarding eating disorders either by a web site attestation or on the application itself and the attestation will include the date and list the employer’s title.

D) The Department requires that in order to obtain the child performer permit, in the statement of parental consent that the consenting adult (parent or guardian) attest that they and the applicant have reviewed the educational materials on eating disorders.

E) The Department receives reports of suspected eating disorders among models and performers from employers, parents or physicians or from whomever the Department deems appropriate.

F) The Department revokes a Child Performer’s permit with good cause such as, where a physician reports to the Department that a certification of physical fitness is no longer valid because a performer has discontinued treatment.

G) The Department provides the parent or guardian of a performer whose permit is being considered for revocation, notice of the considered revocation and the opportunity to address the issues causing the considered revocation.
IV. The Board makes the following recommendations to the Commissioner of Labor regarding **education and educational materials for such child performers and models, their parents and/or guardians and their employers regarding awareness and recognition of eating disorders and referral and treatment information of eating disorders such as anorexia nervosa and bulimia nervosa.**

A) The Department makes available on their website and in hard copy form in multiple languages, educational materials covering the following topics developed from the existing educational materials listed further below:

- Recognizing eating disorders: Including the signs & symptoms of the disorders and associated behaviors.
- The consequences of eating disorders and unhealthy weight control behaviors.
- Referral sources, including the NYS Comprehensive Care Centers for Eating Disorders and National Eating Disorders Association.

B) The Department maintains a presence at performer and model venues and has educational materials available at the venues.

C) The Department develops an employer/industry educational seminar presentation on the regulations for Child Performers and Models and where possible, invites an expert on eating disorders to discuss eating disorders at such educational seminars or presentations.
Educational Materials/ Resources

NEDA National Eating Disorders Association
http://www.nationaleatingdisorders.org/
http://www.nationaleatingdisorders.org/information-resources/parent-toolkit.php
http://www.nationaleatingdisorders.org/information-resources/educator-toolkit.php
http://www.nationaleatingdisorders.org/information-resources/resources-and-links.php
http://www.nationaleatingdisorders.org/information-resources/treatment-professionals.php
http://www.nationaleatingdisorders.org/information-resources/ask-an-expert/warning-signs.php

Academy for Eating Disorders http://www.aedweb.org/eating_disorders/diagnoses.cfm
http://www.aedweb.org/eating_disorders/outcomes.cfm
http://www.aedweb.org/eating_disorders/consequences.cfm
http://www.aedweb.org/eating_disorders/treatment.cfm
http://www.aedweb.org/eating_disorders/index.cfm
http://www.aedweb.org/public/hcaccess.cfm
http://www.aedweb.org/public/EDsearch.cfm

New York State Department of Health www.health.state.ny.us
http://www.health.state.ny.us/diseases/chronic/eating_disorders/guidelines.htm
http://www.health.state.ny.us/diseases/chronic/eating_disorders

Comprehensive Care Centers for Eating Disorders
http://www.health.state.ny.us/diseases/chronic/eating_disorders/comprehensive_care_centers.
Western NY Comprehensive Care Center for Eating Disorders
www.nyeatingdisorders.org
Northeastern NY Comprehensive Care Center for Eating Disorders
www.amc.edu/patient/services/neccced
Metropolitan NY Comprehensive Care Center for Eating Disorders
www.eatingdisordercenterofexcellence.org

National Institute of Mental Health

NYS Office of Mental Health
http://www.omh.state.ny.us/omhweb/resources/eating_disorders.html
http://www.omh.state.ny.us/omhweb/booklets/eatingdisorder.html

Other Resources
http://www.edreferral.com/
http://www.naph.org/
http://www.iadms.org
http://www.Artsmed.org
http://www.opheliasplace.org
http://www.bulimiaguide.org
http://www.feast-ed.org
http://www.athealth.com/Add_eatingdisorder,html
http://www.info@maudsleyparents.org
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ENDNOTES

i Labor Law S154


iii Bill S6158, Labor Law S154

Morgan, Reid, and Lacey. *SCOFF questionnaire*. BMJ. 1999 Dec;319:1467-1468

vi GAPS Guidelines fro Adolescent Prevention Survey, American Medical Association