

**New York State Department of Health  
State Camp Safety Advisory Council Meeting**

**One University Place  
Edward S. and Frances Gilda George Education Center, Room 110A  
Rensselaer, New York 12144**

**AGENDA  
October 25, 2022  
10:30 A.M.**

1. Roll Call/Quorum Determination
2. Welcome/Council Administrative Business
  - Chair/Vice-Chair Elections
  - Approval of Past Meeting Minutes
3. Preliminary Overview of 2022 Season
  - COVID-19
4. Update on Vaccine-Preventable Diseases Amendments
5. Recent Legislation
  - National Sex Offender Registry
  - Riflery
6. Consideration of Minimum Age of Campers
7. Summer Enrichment Programs
8. Medication Administration
9. Other Business
10. Public Comments
11. Next Meeting
12. Adjourn

## **State Camp Safety Advisory Council (SCSAC) October 25, 2022 Meeting Minutes**

### Members

Present: Dawn Ewing; Eric Bacon; Randy DeFrank; Meir Frischman; Douglas Pierce; Jamie Sirkin; and Thomas Welch, MD

### Department of Health Staff

Present: Dan Lang, Christine Westerman, Sheri Ford, Timothy Shay, and Chris Chin

Ms. Ewing called the meeting to order at 10:31 a.m. at the Albany School of Public Health, Rensselaer, New York. A quorum was present with all members in attendance.

### **Council Administrative Business**

Mr. Shay noted that there are two vacancies on the Council: one representing for-profit camps, and one for the consumer advocate position. Mr. Shay encouraged anyone interested in a position on the Council, vacant or filled, to contact him.

Mr. Shay announced that Mr. Frischman tendered his resignation from the Council effective October 26, 2022. Mr. Frischman has a lengthy tenure with the Council spanning 22 years. He has been an asset to the Department representing not-for-profit camps. All in attendance thanked Mr. Frischman for his service.

Ms. Ewing called for the Council Chairperson and Vice-Chairperson elections. The Council unanimously re-elected Ms. Ewing and Mr. Bacon to continue serving in their respective roles as Council Chairperson and Vice-chairperson.

The meeting minutes from March 22, 2022, were unanimously approved by the Council.

### **Overview of the 2022 Children's Camp Season**

Mr. Shay noted that Department staff are continuing to work on obtaining incident information from local health departments for the 2022 season. Preliminary review of the data received showed generally consistent trends as past years.

Mr. Shay reported that:

- There were no deaths or drownings reported at regulated children's camps during the 2022 season.
- Ten camp beaches closed due to Harmful Algae Blooms.
- Three outbreaks of Influenza A and one case of Hepatitis A were reported.
- The preliminary number of COVID-19 cases reported from regulated children's camps was 3,597. He stated this is higher than the number of cases reported in 2021 and that it is unclear why the numbers were higher this year. Mr. Shay acknowledged that the COVID-19 Best Practices guidance document for children's camps was released in June 2022 and incorporated the Council's recommendations made during the last meeting.

Ms. Ewing stated that the Council feels the cooperation with the Health Department was exemplary, and that it is imperative that we prepare for future outbreaks with continued cooperation.

### **Vaccine Preventable Diseases**

The Department previously provided the Council with draft code language for amendments to the State Sanitary Code being considered for vaccine preventable diseases. The proposed amendment was shared with the Department's children's camps interested parties list and local health departments for comment. Only a few comments were received and are being evaluated. The proposed amendments are still under consideration, and there is no timeframe for implementation. Mr. Shay stated that he recognized there would be challenges with implementing new regulations at camps for 2023 if they are not finalized shortly and he will raise the issue of timing if the amendments move forward. The Council will be updated on any progress of the amendments.

Mr. Lang provided an overview of wastewater testing currently being used to track the COVID-19 virus and other vaccine preventable diseases. Mr. Lang discussed the role wastewater testing has played in identifying the polio virus in multiple downstate sewersheds across several counties after the first case of paralytic polio in decades was discovered in New York State. Genetic analysis of the virus found in wastewater samples and from the ill unvaccinated patient indicate that the polio is a vaccine derived strain originating from the use of the oral polio vaccine which is not used in the United States. The Department and local health departments are promoting vaccination as the safe and effective means to prevent paralytic polio cases.

### **New Legislation**

Mr. Shay reported that the Department recently became aware that legislation was signed into law requiring camp operators to screen potential employees and volunteers through the National Sex Offender Registry using the National Crime Information Center (NCIC). The checks must be conducted prior to staff/volunteers starting work at the camp and annually thereafter prior to their arrival at camp. The legislation becomes effective on 12/27/22. The Department is working to clarify the process camps will need to follow to conduct the checks using the NCIC and is planning on developing guidance for children's camp operators. It was also noted that the legislation requires non-regulated camps to conduct the NCIC checks.

Mr. Shay also commented on the newly passed Gun Legislation which appears to restrict the use of powder propelled rifles at children's camps riflery activities. Mr. DeFrank commented that the Boy Scouts of America have been in contact with several state legislators and is working to allow an exemption for camps to have riflery programs.

### **Minimum Age of Campers**

Mr. Shay stated that the Office of Children and Family Services (OCFS) had raised administrative and programmatic challenges with the Department of Health (DOH) about day care programs that transition to be regulated as children's camps during the summer season. The transitions occur for a variety of reasons such as enrollment of older children, changes in programming, and increase in the number of children in the program. Administrative issues include OCFS's inability to formally inactivate or end day care licenses for just the summer because of burdensome requirements to restart in the fall, which results in dual oversight

responsibility with the DOH. Operational concerns were related to infant and toddler care needs for supervision, feeding, dressing, and toileting, which are not addressed in the camp regulations. As a result of these concerns, OCFS asked the Department to consider adding a minimum age of a camper to the children's camp regulations. OCFS staff also expressed an interest in discussing this issue with the Council. Mr. Shay asked the Council for any preliminary thoughts on this topic. Ms. Sirkin commented that adding a minimum age would require dual oversight of programs by OCFS and the Department. Mr. Peirce commented that many day camps have 3 and 4-year-old campers and that toddler programs have been growing, so a minimum age limit would impact camp operations.

The Council decided that an invitation should be extended to OCFS for them to speak at the next scheduled Council meeting and discuss the matter further.

### **Summer Enrichment Programs**

Mr. Shay introduced the topic of Summer Enrichment Programs offered by schools, reviewed past discussion on the topic, and explained the applicable exemptions for educational programs in the State Sanitary Code. Based on past discussions with State Education Department (SED), the Department of Health's understanding was that traditional summer school programs which were largely for remedial education purposes had to receive approval to operate from SED. Schools were required to submit a "certification of intent to conduct summer school" to the SED and summer schools were limited to offering courses/programs to those that are offer during the regular school year. Because of this, the Department had established guidance that summer school program operated by a school or school district with SED approval would be exempt from regulation as a day camp and schools operating recreational programs would be regulated. However, the Department has become aware of new guidelines from SED which allows for a substantial amount of summer programming offered by schools to be non-instructional activities similar to those at children's camps (e.g., organized games, trips, swimming). It was also noted that SED does not have oversight of a school's summer program and the summer programs may be operated by a 3<sup>rd</sup> party with approval of the local board of education. Mr. Shay asked the Council for their thoughts on if Summer Enrichment programs operated by schools should be regulated as children's day camps by the Department of Health.

The Council discussed the topic and had several concerns and questions including:

- SED guidance document for summer enrichment program contained many "should" statements and not many requirements.
- Similar programs offered by other groups are regulated as camps.
- How parents would know who is overseeing the program, especially when they call themselves a camp?
- Whether all staff used for the summer programs are school employees and if not, is there screening for non-school employees.
- Whether or not the school nurse was involved in the summer program.
- Concern that SED had minimal to no oversight of the programs.

Upon conclusion of the discussion, there was a general recommendation that the Department should continue to regulate summer enrichment programs operated by schools that meet the definition of a children's camp and are not traditional summer school programs that were largely for compulsory educational purposes. However, the Council was interested in hearing from the State Education Department and suggested inviting them to a meeting to discuss further.

## **Medication Administration**

As a follow-up to past conversations and inquiries from the Council to permit specially trained camp staff to administer over the counter medications to campers, Mr. Shay reported that the Department is generally supportive of the initiative and will continue to explore the possibility of legislative amendments.

## **Other Business**

Mr. Pierce stated that he had heard of a recent change to that the minimum age requirement for lifeguards had changed from 16 to 15 years of age at regulated facilities in NYS except for pools and beaches at children's camps and questioned why children's camps did not have this option.

Mr. Shay responded that there was no recent change to the minimum age that lifeguards are allowed to work in NYS. At regulated swimming pools and beaches that are not located at children's camps, a 15-year-old lifeguard has been allowed when a supervising lifeguard is present. Mr. Shay believes Mr. Pierce may have heard of a change to Nassau County's local requirements for lifeguards which were more stringent than NYS requirements and were recently lowered to match that of NYS. Lifeguards at children's camps are required to be 17, except that 50% of the required number of lifeguards can be 16 years old. The minimum age of 17 years old for lifeguards at children's camps dates back to at least 1975. In 1995 the code was amended to allow 20 % of lifeguards be 16 years old. In 2011, the percentage of 16-year-old lifeguards was increased to its current level of 50%.

The Council discussed the SSC minimum age requirements for lifeguards at children's camps and if amendments should be considered to allow 15-year-old lifeguards at camps. The Council decided to form a committee to look into this matter further. Mr. Pierce, Mr. DeFrank, and Ms. Sirkin volunteered to be part of the committee.

Ms. Sirkin brought up a concern with the lengthy amount of time it takes the State Education Department to approve out of state nurse applications for reciprocity to work in New York. Prior to COVID-19, the process was much faster, but since the pandemic there is a two-to-three-month backlog, and the concern is that qualified nurses will not be approved to work in time for the start of the camp season. Ms. Sirkin inquired if there is a fast-track process that could be utilized to speed up the process, and if out of state nurses could be approved to work while their reciprocity application is under review. Mr. Shay responded that the Department of Health does not have any control over the reciprocity process or timing. The issue will need to be addressed by SED.

## **Public Comments**

Ms. Christina Dyer-Drobneck voiced her and NYSACHO's support for strengthening vaccine preventable diseases regulations, ideally by the start of the 2023 camp season.

During the public comment period, audience member Mr. Doug Volan commented that many camp programs have toddlers and that schools are allowed to have 2-year-old and older children enrolled for less than 3 hours a day without needing an OCFS license.

Mr. Peter DeLucia expressed his opinion that fifteen-year-old lifeguards lack the maturity needed to handle the position, and there should instead be an effort into looking at ways to promote older more mature candidates for lifeguard positions.

**Next Meeting/Adjournment**

The next Council meeting is scheduled for Tuesday February 7, 2023. The fall meeting is scheduled for October 24, 2023. The Council adjourned at 12:31 PM.