

**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 24, 2023
10:30 A.M.**

1. Roll Call/Quorum Determination
2. Welcome/Council Administrative Business
 - Approval of Past Meeting Minutes
3. Preliminary Overview of 2023 Season
4. Recent Legislation
 - National Sex Offender Registry
 - Minimum Lifeguard Age
5. Medication Administration
6. Update on Vaccine-Preventable Diseases Amendments
7. Other Business
8. Public Comments
9. Next Meeting
10. Adjourn

Information about the State Camp Safety Advisory Council and any available materials for the meeting will be posted at: www.health.ny.gov/environmental/outdoors/camps/scsac.htm.

State Camp Safety Advisory Council (SCSAC)

October 24, 2023 Meeting Minutes

Members

Present: Dawn Ewing; Eric Bacon; Randy DeFrank; and Jamie Sirkin

Members

Absent: Thomas Welch, M.D.

Department
of Health Staff

Present: Dan Lang, Christine Westerman, Darby Greco, Sheri Ford, Timothy Shay, Elizabeth Brower, Richard Hess, Eric Wiegert, Rebecca Dietrich, and Charles Sturm

Ms. Ewing called the meeting to order at 10:30 A.M. at the Albany School of Public Health, Rensselaer, New York. A quorum was present with four members in attendance. Council paid tribute to member Doug Pierce who passed away earlier in the year.

Council Administrative Business

The meeting minutes from February 7, 2023, were unanimously approved by the Council.

Mr. Shay began the meeting by acknowledging the current Council vacancies. There are vacancies and interested candidates, who are currently under consideration, for the For-Profit Camps, Non-Profit Camps, and the Consumer Advocate seats. There are currently no candidates for the recently vacant For-Profit Camps position. Mr. Shay also stated that Mr. Bacon and Dr. Welch have not been re-appointed but continue serve in their positions while “in process”.

Overview of the 2023 Children’s Camp Season

Mr. Shay noted that Department staff are continuing to work to obtain incident information from local health departments for the 2023 season. A preliminary review of the data received to date showed generally consistent trends as past years.

Mr. Shay reported that although the data is still being analyzed, a preliminary review of the season found that:

- No fatal or nonfatal drownings were reported at regulated children’s camps.
- There were two deaths at regulated children’s camps (12-year-old camper and 23-year-old counselor). Investigations revealed no contributing factors attributed to camp deficiencies.
- Five beach closures occurred at four camps due to Harmful Algae Blooms. This resulted in a total loss of 48 beach days.
- Two camps reported fires that resulted in minimal damage and no injuries.
- Significant outbreaks of COVID-19, Strep Throat, Norovirus, and Pediculosis were documented throughout the state. COVID-19 continued to be the most reported outbreak

cause; although there were far fewer cases this season as compared to the previous two seasons.

Mr. Shay emphasized that the data is still being analyzed and that a more comprehensive report will be presented to the Council at the February 2024 meeting.

Mr. Bacon inquired about Polio numbers in the State. Mr. Lang stated there were no additional Polio cases and provided a summary on the state-wide wastewater testing findings including that since March 2023 there have been no Polio positive wastewater samples statewide. Mr. Lang stated that as per CDC testing recommendations, wastewater testing for Polio virus will likely continue through the summer of 2024.

National Sex Offender Registry Legislation

Discussion was held on the recently passed amendment to the legislation that requires camp operators to screen potential employees and volunteers through the National Sex Offender Registry. The amended legislation now directs camp operators to check the [National Sex Offender Public Website \(NSOPW\)](#) in order to comply with the legislation. Interim guidance from the DOH for conducting the check was provided to camp operators in the spring and the Department will be finalizing the guidance now that the legislation has been amended.

Mr. Shay stated that the Department and the Council received a complaint from a concerned citizen claiming that a registered sex offender was working at a dance studio's non-regulated camp. In reviewing the complaint and legislation, it was determined that the Department is responsible for following up on complaints of this type associated with non-regulated camps because the requirement to conduct sex offender background checks is specified in PHL. Mr. Shay followed up with the non-regulated camp and ascertained compliance.

Mr. Bacon inquired how non-regulated camps are informed about the legislation's requirements. Mr. Shay and Ms. Westerman stated that this presents a difficult task because there is no clear definition of a non-regulated camp and there is no comprehensive list of non-regulated camps in the State. Ms. Sirkin stated that a bill is currently before the legislature that will require non-regulated camps to register with the Department. Mr. Shay acknowledged that the Department is aware of this proposed legislation, but he was not aware of a clarifying definition.

Minimum Age for Lifeguards Legislation

Mr. Shay announced that legislation was signed in May 2023 allowing lifeguards at children's camps pools and beaches to be a minimum of fifteen years of age if they are directly supervised by the camp aquatics director. The legislation is similar to the Council's motion at the last meeting, which advised the Department that the Council supported to amend the regulation to allow that 15-year-old lifeguards to be employed at camps as part of the maximum of 50% of the total number of lifeguards on duty who are younger than 17 years of age. The legislation does not change the lifeguard age requirements for wilderness swimming. Mr. Shay stated the Department will propose a code amendment reflecting the new legislation. In the interim, local health departments were advised to issue a waiver from the current code requirements if a camp wished to employ 15-year-old lifeguards. To date, only four such waivers have been issued.

Mr. DeFrank stated that this legislation conflicts with the United States Department of Labor's Fair Labor Standards Act which only allows the employment of 15-year-old lifeguards at

traditional swimming pools only and not at beaches. Mr. Shay stated that the Department is aware of this conflict and is actively working with the Division of Legal Affairs to address this in the future code amendment.

Medication Administration

Mr. Shay provided an update on the past discussions and Council recommendation to seek legislation that would allow specially trained camp staff to administer medications to campers similar to what is currently allowed at day care programs. He reported that the DOH continues to be supportive of changes to allow medication administration more broadly at camps including amendments to Public Health and State Education Laws. He said that he received a response to an email to the NYS Nursing Board about this issue in which the Nursing Board stated that an exemption was needed from Education law to allow non-medical staff at camp to administer medication but urged caution about Dr. Welch's suggestion that an amendment was not needed because camp health directors do not provide services that require a professional license, especially at overnight camps and special needs camps.

Mr. Shay reiterated that for changes to be made to the medication administration practices, an amendment to the Nurse's Practices Act would need to be made and followed by the Department developing corresponding regulations in the Children's Camp code.

Mr. DeFrank inquired if the training session that was discussed at a previous meeting will be mandated. Mr. Shay replied that, yes, training would be required and that the regulation would likely establish training similar to those for regulated day care.

Vaccine-Preventable Disease Amendments

The Department of Health (DOH) 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 DOH's children's camps interested parties and local health departments for comment. Mr. Shay reported that, at this time, the proposed amendments are on hold while the Department further evaluates vaccine-preventable diseases (VPDs) at camps. Mr. Shay went on to state that any new vaccination requirements wouldn't likely be in effect until after the 2024 season.

Ms. Ewing inquired as to the next steps in the process. Mr. Lang stated that due to the COVID-19 outbreak the Department is reorganizing and is creating a Division of Immunization with Deb Blog appointed as the medical director. It was then suggested that Ms. Blog attend the next SCSAC meeting in February to discuss the issue moving forward.

It was also stated that in addition to vaccine preventable disease amendments, other changes to the State Sanitary Code need to be made pertaining to the minimum lifeguard age, pesticide usage, and the newly mandated national sex offender registry checks.

Ms. Sirkin stated that children are required to be immunized against vaccine preventable diseases to attend school, there should be no reason not to require the same vaccinations as schools to attend camp. Ms. Westerman stated that for day camps this may not be an issue, but that overnight camps present a challenge to this requirement. This is because overnight camps are often staffed and populated by out of state and even out of country individuals and gaining access to their medical records may be difficult.

New Business

No new Council business.

Ms. Ewing stated that she and the Council are relieved that the 2023 camp season was relatively “normal” and that she agreed with Ms. Westerman’s comments on vaccine preventable disease requirements.

Public Comments

The Council heard from Ms. Malone, a director from a faith-based camp in Cooperstown. Ms. Malone asked about non-swimmers being allowed to participate in boating activities occurring in water greater than chest deep. After a brief discussion, Mr. Shay stated that the issue would be looked into by the department.

Council then heard from Ms. Arnold of Lifesaving Enterprises inquiring if the change to the minimum age of lifeguards has been brought up to the Commission for the Prevention of Drowning. Mr. Shay stated he has been involved with the Commission and plans to address the Commission at its next meeting. Ms. Sirkin stated that she has attended Commission meetings as well but feels that they are focused more on learn to swim programs offered in schools.

Another audience member raised the concern of the cumbersome nature of the new National Sex Offender Registry legislation. They stated that names must be entered individually and cannot be entered in bulk. The question posed was if there is a less cumbersome way to perform the checks. Mr. Shay replied that the Department commented on this fact when the legislation was proposed, but that the Department is bound by the legislation as it is currently written and does not have control of the search mechanism of the National Sex Offender Public Website. Ms. Sirkin then stated that from her experience the process is not as overly cumbersome as it seems.

Ms. Ewing thanked Mr. Shay for all the work he does and for being aware of things going on throughout the State, and that the Council takes what he does seriously. Mr. Shay responded by thanking the staff that support him in his efforts.

Council then heard from Mr. Newcomb. Mr. Newcomb is the father of a developmentally disabled child who was the victim of abuse at a children’s camp this past summer. Mr. Newcomb stated that he feels there are gaps in the code when it comes to camps enrolling children with developmental disabilities at camps with less than 20% of total enrollment. The camp his child attended failed to report the incident to the local health department (LHD) and the LHD only became aware of it after he reported it to them. He is concerned that the camp is not reporting incidents as required especially after being told by the local health department that no other incidents of this nature have been reported to them.

Mr. Shay provided a brief history of the Justice Center and requirements intended to protect vulnerable populations attending children’s camps. He said although certain requirements including reporting allegations of abuse/neglect to the Justices Center only apply to camps with 20% or more enrollment of campers with developmental disabilities, there are requirements that protect children with disabilities at all camps including a mandate to report incidents to the LHD; requirements for camps to obtain individual camper treatment, care, and behavioral plans; and a requirement for camps to train staff on the needs of specific campers with developmental disabilities under their care. Mr. Shay stated that the protections in the regulation should have

been sufficient in this situation, and that it appears the camp was not in compliance with the requirements.

Council members expressed their empathy to Mr. Newcomb, and Ms. Sirkin stated that this incident is not a breakdown of the regulations but a break down in the camp's implementation. Mr. Newcomb commended the work of the local health department. Mr. Shay stated that camps should be following the regulations and that failure to do so could result in administrative actions by the LHD and affect future permitting of a noncompliant camp. He encouraged Mr. Newcomb to continue to work with the local health department.

Next Meeting/Adjournment

The Spring 2024 Council meeting is scheduled for February 6, 2024 (with February 13, 2024, as snow date), and the Fall 2024 meeting was scheduled but needs to be rescheduled because of a conflict. The meeting adjourned at 11:56 AM.