



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

**Notice of Adoption of Amendments to Article 48
of the New York City Health Code**

In accordance with Section 1043 of the New York City Charter (“Charter”) and pursuant to the authority granted to the Board of Health (“Board”) by Section 558 of the Charter, a notice of intention to amend Article 48 of the New York City Health Code (“Health Code”) was published in the City Record on October 15, 2019. Given the similarity and simultaneity of the proposed child safety amendments to Articles 43, 47, 48 and 49, a consolidated public hearing was held for these proposed amendments on November 15, 2019. The public was invited to testify and/or submit written comments on any or all of the proposed amendments to these Articles. Three individuals testified at the public hearing, and a total of 13 written comments were received for all Articles. Of the 13 written public comments received, five submissions provided comments related specifically to Article 48.

In response to the public comments, and on its own initiative, the Department has made the following changes:

- **Examples of public health hazards provided - § 48.03(a)**
Modified definition of public health hazard to remove example of use of pillows for children under 2, since this is not an applicable age range for camps.
- **Inspector’s access to electronic records - §§ 48.07(e), 48.09(m)(4) and 48.17 (b)**
Changed to indicate that required records for Department review that are maintained electronically must be accessible to Department staff while they are on-site.
- **Sex offenders prohibited from camps - § 48.09(m)(3)**
Added sentence explicitly stating that individuals whose name appears on any sex offender registry are prohibited from volunteering/working at camps.
- **Camps above 3rd floor - § 48.15(a)(2)**
Modified to match existing language in §47.41(b) allowing use of space on 3rd floor or above if approved by appropriate regulatory authorities, including DOB, FDNY and the Dept.
- **Emergency medical services - § 48.17(d)**
Modified to clarify that the closest location and type of emergency medical services where sick/injured children or staff can be taken must be identified in the camp’s written safety plan.

At its meeting on December 17, 2019, the Board adopted the following resolution.

Statement of Basis and Purpose of Rule

The Board of Health is amending Article 48 of the New York City Health Code, which governs summer camps operating in New York City (“NYC”) for children under age 16. Article 48 provides standards of service and operational requirements designed to protect the health and well-being of children while camping and has not been significantly updated since its repeal and reenactment in 1982. In 2016, the New York State (“NYS”) Department of Health substantially updated its regulations relating to children’s camps contained in the NYS Sanitary Code (“Sanitary Code”), located in 10 NYCRR Part 7, Subpart 7-2, particularly as to camps that serve children with developmental disabilities.

The Board adopts these changes primarily to be consistent with NYS Department of Health regulations adopted in 2016 relating to children’s camps contained in the NYS Sanitary Code (“Sanitary Code”), located in 10 NYCRR Part 7, Subpart 7-2, particularly as to its updated requirements for camps serving

children with disabilities. Sanitary Code protections for developmentally disabled children that are being adopted in these rules provide that:

- Staff that have direct care responsibilities of campers with disabilities must receive training relevant to the specific needs of the campers in their charge;
- Camps must obtain and implement, as appropriate, care and treatment plans for campers with disabilities that have such plans as well as obtain other available information relevant to the care and specific needs of a camper with disabilities including pre-existing medical conditions, allergies, modified diets, and activity restrictions;
- During swimming activities, camps must provide one counselor for each camper who is non-ambulatory or has a disability that may result in an increased risk for an emergency in the water;
- Camps must obtain parent/guardian’s written permission to allow campers with developmentally disabilities to participate in swimming activities;
- Camps must develop procedures and training for handling seizures or aspiration of water by campers with developmental disabilities that may occur during swimming activities;
- All lavatories and showers used by campers with physical disabilities must be equipped with specialized features and grab bars;
- Lavatories and showers used by campers with a disability, who are unable to moderate water temperature safely, shall have a water temperature not greater than 110 degrees Fahrenheit;
- Buildings housing non-ambulatory campers shall have ramps to facilitate access.
- Non-ambulatory campers may not have housing above ground level; and
- Exterior paths must be constructed and maintained, as appropriate for the camp population served, to provide for safe travel during inclement weather.

Specifically, these Article 48 amendments include, among other things:

- a revised and expanded definitions section (§48.03)
- revised record keeping and due process requirements (§§48.07, 48.09)
- updated staffing, screening, training and ratio requirements (§§48.09, 48.11 and 48.12)
- elimination of religious exemptions from child vaccination requirements (§48.17)
- updated developmental disability camp requirements, including for incident reporting, investigation and enforcement (§48.25).

Legal Authority

These amendments to the Health Code are adopted pursuant to §§ 558 and 1043 of the NYC Charter. Sections 558 (b) and (c) of the Charter empower the Board to amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. § 1043 grants the Department rule-making authority.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the text below, unless otherwise specified or unless the context clearly indicates otherwise.

New text is underlined; deleted text is in [brackets].

* * *

Section 1. The Board of Health amends the title of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

[SUMMER] DAY CAMPS, [CHILDREN’S] OVERNIGHT CAMPS, [CHILDREN’S] AND TRAVELING [SUMMER] DAY CAMPS, AND MUNICIPAL CAMPS]

Section 2. The Board of Health amends the opening sentence and subdivision (a) of §48.01 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.01 Scope.

The provisions of this Article apply to all Day Camps, [Children's] Overnight Camps, and [Children's] Traveling [Summer] Day Camps [and Municipal Camps located] in New York City (NYC) which are occupied by ten (10) or more children, as defined in this Article, except the following:

(a) programs approved, certified or licensed under the New York State (NYS) Social Services Law;

Section 3. The Board of Health REPEALS §48.03 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.03 Definitions.

When used in this Article, the following terms have the following meanings:

“Acceptable training in cardiopulmonary resuscitation (CPR)” means a CPR training program determined by the NYSDOH to provide an adequate level of knowledge and skills necessary to perform two-rescuer CPR for all ages (infant, child and adult). Such training program must be deemed an accepted course by the NYSDOH current fact sheet entitled “Cardiopulmonary Resuscitation Certification for NYS Children’s Camps and NYS Bathing Facilities” or successor document. CPR certificates shall be valid as specified by the provider but shall not exceed one year from the date of course completion.

“Acceptable training in first aid” means certification in a first aid training program approved by the Department.

“Activity leader” means the staff-person who is deemed competent based on training and/or experience in the activity being conducted and is charged with supervising all children and adults in that activity.

“Adequate” means minimally sufficient to accomplish the purpose for which something is intended and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation, profession or activity, is adequate within the meaning of this Article.

“Aquatic amusement park activities” means where patrons are partially or totally immersed in water and includes but is not limited to “lazy rivers”, activity pools, wave pools and water slides.

“Aquatics director” means an experienced swimming instructor and lifeguard who oversees all aquatic and boating activities at any location. This person shall supervise lifeguards, progressive swimming instructors, and counselors with bather supervision responsibilities and implement the camp safety plan during all aquatic activities.

“Camp” means a day camp, overnight camp or traveling day camp as defined in this Article.

“Camper(s)” means a minor child under 18 years of age who is enrolled in a camp. As used in this Article, and unless the context clearly indicates otherwise, “camper” may be used interchangeably with “child” or “children”.

“Camp program for persons with a developmental disability” means a program:

(a) within a camp,

- (b) with 20 % or more enrollment of campers with a developmental disability, and
- (c) that provides specially-designed recreational and educational activities and staffing ratios to benefit persons with a developmental disability.

The age requirements for a day camp and an overnight camp do not apply.

“Constant and competent supervision” means, for campers under 6 years of age, that camp staff must maintain direct line of sight observation of such children at all times. For children age 6 years and above, constant and competent supervision means taking into account the child’s age, emotional, physical and cognitive development, and includes awareness of and responsibility for the ongoing activity of each child and requires that all children be near enough to camp staff such that staff can respond immediately if assistance is required.

“Day Camp” means a property consisting of a tract of land and:

- (a) any tents, vehicles, buildings, or other structures that may be relevant to the camp’s operation, and;
- (b) any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year, and;
- (c) used by children under 16 years of age, under constant and competent supervision,
- (d) where activities take place during a period of less than 24 hours on any day the property is so occupied and/or which no provisions are made for overnight occupancy by such children, and
- (e) provides indoor or outdoor organized group activities, involving 2 or more activities of which at least 1 is a high-risk activity, unless the high risk activity is conducted for no more than 1 hour per day constituting no more than one fifth (1/5) of the program’s daily programming for children and which occur on a playground, in a gymnasium or similar setting.

“Department” means the New York City Department of Health and Mental Hygiene.

“Developmental disability” means a severe, chronic disability of a person that has originated before the age of 18, and manifests as a cognitive or neurological condition or diagnosis, such as cerebral palsy, epilepsy, autism or neurological impairment, which affects general intellectual functioning and/or adaptive behavior, that requires treatment and/or services and is likely to continue indefinitely. Except as provided in §48.25, any camp that admits any person with a developmental disability must develop and provide a specialized program and staffing ratios approved by the Department.

“Equipment” means any furniture, amusement devices, activity, sports and playground equipment intended to be used by the camp for the use of campers and staff. Equipment must be age and developmentally appropriate, and accessible for the size and ability of the child and must be maintained and used in accordance with manufacturers' specifications and instructions.

“Health director” means a physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse, emergency medical technician, or other person minimally certified in both first aid and cardiopulmonary resuscitation training as required by the Department and who is responsible for creating, executing and maintaining the health program.

“Health program” means a program under the supervision of a designated health director created to assure the health and well-being of each child and each adult as required by this Article.

“High risk activity” means an activity that may result in significant risk of injury including, but not limited to, “non-passive recreational activities with significant risk of injury” as defined in the NYS Sanitary Code (10 NYCRR §7-2.2(1)). Examples of high-risk activity include, but are not limited to, all

off-site trips and activities such as martial arts, court sports, field sports, water sports (including water slides), zip lining, parasailing, horseback riding, gymnastics, rock climbing, archery, bungee jumping, go-carts, motorized vehicle racing, skate boarding, roller skating or ice skating, trampoline, paint ball war games, cooking, or hiking in an area which is not within 5 minutes of a public road way, or involves incidental water immersion.

“Incidental water immersion” means intentional entry into a body of water for a purpose, other than swimming, which is ancillary to the primary activity being conducted. Such immersion, including partial immersion, includes but is not limited to stream crossing or entering water for personal hygiene, but excludes boating, water skiing, sail boarding and similar water sports where participants wear U.S. Coast Guard approved lifejackets.

“NYCRR” means the New York Codes, Rules and Regulations.

“NYSDOH” means the New York State Department of Health.

“Overnight camp” means a property consisting of a tract of land and:

- (a) any tents, vehicles, buildings or other structures that may be relevant to the camp’s operation, and,
- (b) any part of which may be attended by persons under 18 years of age under constant and competent supervision,
- (c) for the purpose of outdoor or indoor organized activities, and
- (d) on which provisions are made for overnight occupancy of children.

“Progressive swimming instructor” means a swimming instructor who is trained and who has the skills to assess the swimming ability of each camper prior to permitting them in water above chest level; such instructor training program must be deemed an accepted course by the NYSDOH current fact sheet entitled “*Progressive swimming instructor for NYS children’s camps.*” The progressive swimming instructor must be either:

- (a) a currently certified American Red Cross water safety instructor; or
- (b) possess a current certificate issued by a certifying agency determined by NYSDOH to provide an adequate level of similar training.

A progressive swimming instructor may not perform lifeguard duties unless currently certified as a qualified lifeguard, and not currently performing instructional duties.

“Public health hazard” means any violation or combination of violations and conditions concerning operation of the camp which could reasonably result in injury or be otherwise detrimental to the health and safety of a child. Any of the following are public health hazards which allow the Department to order its immediate correction and/or to order the permittee to cease operations immediately. Public health hazards include, but are not limited to:

- (a) Failure to maintain constant and competent supervision of children;
- (b) Use of corporal punishments or of frightening or humiliating methods of behavior management;
- (c) Failure to immediately report instances of alleged child abuse, maltreatment, or neglect to the Department and the Statewide Central Register of Child Abuse and Maltreatment and to take appropriate corrective action to protect children when allegations of such abuse or maltreatment have been reported to or observed by the permittee;
- (d) Refusal or failure to provide access to the facility to an authorized employee or agent of the Department;
- (e) Uncontained sewage in any part of the facility;
- (f) Transporting children in the bed of a truck or trailer or in any other part of any motor vehicle that is

not designed for passenger occupancy; or transporting children without adequate supervision; or failing to use appropriate child restraints in vehicles;

(g) Failure to provide two approved means of egress or obstructing any means of egress or a required fire exit;

(h) Failure to properly store flammable liquids or other toxic substances;

(i) Failure to maintain firefighting or fire detection equipment in working order;

(j) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;

(k) Serving food to children from an unknown or unapproved source; serving food that is adulterated, contaminated or otherwise unfit for human consumption, or re-serving food that was previously served;

(l) Failing to exclude from work at the program a person with a communicable disease who is required to be excluded, pursuant to Article 11 of this Code;

(m) Failure to implement the program's written safety plan resulting in a child not being protected from any unreasonable risk to his or her safety;

(n) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in the facility; failing to remove children from areas and rooms while such activities are in progress;

(o) Failure to screen any person who has, or will have the potential for, unsupervised contact with children as required by this Article and in accordance with § 47.19 of this Code; or

(p) Any other condition(s), violations, or combination of conditions or violations, deemed to be an imminent health hazard by the Commissioner or designee.

“Staff” means any director, operator, employee, counselor or volunteer of a camp; or a consultant, employee or volunteer of a corporation, partnership, organization or other entity who has regular or substantial contact with campers.

“Traveling day camp” means a day camp which:

(a) regularly operates in a period between May 15 and September 15, and

(b) which provides care and regularly transports children under 16 years of age on a regular schedule to a facility, site, or property, including any tract of land, beach, park, stadium, building, tent or other structures pertinent to its use and primarily for the purpose of organized group activities.

Section 4. The Board of Health amends the title and amends and re-letters subdivisions (a) through (d) and adds new subdivisions (e) through (h) of §48.07 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.07 Permit; application, issuance, records and [renewal] enforcement.

(a) An application for a permit to operate any camp under this [a]Article [shall]must be made by the operator to the Department, on a form furnished by the Department, at least [60] 90 days before the first day of operation. ***.

(b) [Applications for permits made more than 90 days before the first day of camp operation may be submitted to the Department by mail. Applications made between 90 and 60 days before the first day of camp operation shall be submitted to the Department in person.

(c) A permit shall not be issued unless the camping program is conducted on or within property consisting of land, tents, vehicles, buildings or other structures pertinent to its use.

(d)]

(1) ***

(2) [Effective January 1, 2003, a] A permit shall not be issued unless the camp director has attended an

orientation session provided by the Department regarding the requirements set forth in this Article. Attendance at Department orientation sessions need not be repeated by a director who has attended a session unless the Department determines that the substance of the orientation has changed and requires re-attendance. The director [shall be responsible for] must [ensuring]ensure that the materials covered in the orientation sessions are incorporated into camper and staff orientation programs as required by this Article.

[(e)] (c) ***

[(f)] (d) ***

(e) All records required by this Article may be maintained electronically or in hard copy paper form and must be made available to the Department immediately on request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.

(f) A permit expires on September 16 of the calendar year it was issued or at the close of a camp's normal operation, whichever is sooner, unless some other date is indicated by the Department.

(g) Notwithstanding anything to the contrary in this Article, a permit issued under this Article may be ordered suspended or revoked for maintaining a public health hazard, or failure to comply with any applicable law, regulation, rule, directive or policy enforced by the Department, or in the interest of protecting the health of an individual or the public as determined by the Commissioner.

(h) The permittee shall have an opportunity to be heard before the Department prior to the issuance of an order to suspend or revoke a permit, except that when a public health hazard exists, a permit may be suspended pending such opportunity to be heard.

Section 5. The Board of Health REPEALS §48.09 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.09 Staffing requirements and certain ratios.

(a) The camp operator must be the permittee.

(b) Each camp must have a camp director and a health director.

(c) *Camp director.* Each camp must be supervised by a camp director. The camp director, or equally credentialed designee approved by the Department, must be present to supervise campers and camp staff at all times while the camp is in operation. The camp director must have at least the following minimum qualifications:

(1) a bachelor's degree or be at least 25 years of age for an overnight camp, or 21 years of age for a day or traveling day camp; and

(2) 24 weeks of previous administrative or supervisory experience in camping or equivalent experience acceptable to the Department.

(3) There must be on file at the Department a notification from the Department of Social Services Statewide Central Register of Child Abuse and Maltreatment that the camp director has not been the subject of an indicated report, pursuant to title 6 of the NYS Social Services Law, or successor law.

(4) The camp director must file with the Department a form entitled Prospective Children's Camp Director Certified Statement Relative to the Conviction of a Crime or the Existence of a Pending Criminal Action, as provided by the Department, and a determination shall be made by the Department that the camp director has no criminal conviction record for which:

(i) there is a direct relationship between one or more of the criminal offenses and the applicant's employment as a camp director; and

(ii) employment as a camp director would involve an unreasonable risk to the property or to the safety or welfare of camp participants or the general public.

(5) The camp director must complete a training in recognizing and reporting child abuse, neglect and maltreatment.

(6) The camp director must ensure that all staff and camper trainings are conducted and completed as mandated by the Written Safety Plan.

(d) *Health director.* Each camp must have a health director to supervise and manage a camp health program. Except as provided in §48.25, the health director must minimally possess the following:

- (1) a current certificate in first aid training from a training program acceptable by the Department, and
- (2) a current certificate in cardiopulmonary resuscitation (CPR) acceptable by the Department, with validity not to exceed 1 year from date of course completion, to provide an adequate level of knowledge and skills necessary to perform 2 rescuer CPR skills for all ages (infant, child, and adult).

(e) Senior counselors, including specialty and general counselors, must be at least 18 years of age at a children's overnight camp, and at least 16 years of age at a summer day camp or traveling summer day camp. In addition, the counselor must either have experience in camping and supervision of children, or have completed a training course acceptable to the Department.

(f) A junior counselor or counselor-in-training is a camper who is assigned to assist on-duty counselors or other staff members, as described in the camp's written safety plan, in performing specific duties. A junior counselor may not supervise campers and must be supervised as a camper. All junior counselors must receive training specific to their duties, and the camper orientation. Junior counselors must not be included in calculating counselor to camper supervision ratios.

(1) Junior counselors at an overnight camp must be at least 16 years of age and have at least 2 season's prior experience as a camper.

(2) Junior counselors at a day or traveling day camp must be at least 15 years of age and have at least 2 seasons' prior experience as a camper.

(g) *Trip leader.* A trip leader must accompany campers on any trip away from camp. The trip leader must be at least 18 years of age and have participated in at least 3 out-of-camp trips in a similar program activity as a camp staff member. A trip leader must possess or be accompanied by staff who possess either a current acceptable certificate in first aid and/or a current acceptable certificate in CPR training program as defined in §48.03.

(h) *An activity leader is required when campers engage in high-risk activities as defined in this Article.* An activity leader must be at least 18 years of age, be present for any high-risk activity in which campers are engaged and be deemed competent in the activity being conducted. The permittee must make available to the Department immediately upon request proof of an activity leader's competence in the form of verified past experience and/or completed training and/or education for the activity being conducted.

(i) A camp aquatics director must be at least 21 years of age and have a minimum of:

- (1) 1 season of previous experience as a camp aquatics director at a NYS children's camp; or
- (2) 2 seasons of previous experience consisting cumulatively of at least 12 weeks as a children's camp lifeguard, as specified in subdivision (j) of this section, at a swimming pool or bathing beach which had more than 1 lifeguard supervising it at a time; or
- (3) At least 18 weeks of previous experience as a lifeguard, as specified in paragraph (2) of this subdivision, at a swimming pool or bathing beach, which had more than one lifeguard supervising it at a time; and
- (4) have successfully completed a training course in lifeguard supervision and management that meets the requirements specified in Part 6, §§ 6-1.31(e) or 6-2.20(e) of the NYS Sanitary Code;
- (5) have annually reviewed and documented the review of the camp's safety plan for swimming; and
- (6) possess a current certificate in an acceptable CPR training program.

(j) A qualified camp lifeguard must:

- (1) be at least 17 years of age; and
- (2) meet lifeguarding, first aid and CPR certification requirements as detailed in Part 6 of the NYS Sanitary Code including the following:

<u><i>Bathing Facility Type</i></u>	<u><i>Minimum Lifeguard Supervision Level</i></u>
<u>Ocean surf</u>	<u>Supervision Level I</u>
<u>Pool only</u>	<u>Supervision Level IIa</u>

Pool and/or beach

Supervision Level IIb

(k) Each camp must ensure that sufficient first aid- and CPR-qualified staff is present wherever campers are present on- or off-site, taking into account staff absences or illnesses.

(l) The following are certain required minimum staff-to-camper ratios:

(1) At an overnight camp, in addition to the health director or designee, 1 staff member who possesses a current, acceptable first aid certificate must be present for every 50 campers.

(2) At a day camp, 1 staff member who possesses a current, acceptable first aid certificate must be present for every 50 campers in attendance. The health director or designee may be counted toward meeting this first aid requirement.

(3) 1 staff member for every 100 campers in attendance must possess a current, acceptable CPR certificate. The health director may be counted toward meeting this requirement. Where a camp's qualified aquatics staff remain onsite and are available to respond to emergencies, such staff may be counted toward meeting this CPR requirement.

(m) Records.

(1) The camp director must maintain a copy of each staff member's application and staff qualifications, such as resumes, licenses or certifications, on file. The camp director must verify all employees' prior education, experience, training and character references.

(2) The permittee must maintain daily attendance records for all staff and campers that includes the name, date and time in attendance. Attendance records for staff must include the signature of the staff member.

(3) The camp director must verify whether any staff or volunteer is listed on the NYS Division of Criminal Justice Services (DCJS) Sex Offender Registry prior to the day such staff or volunteer commences work at camp and annually thereafter prior to their arrival at camp. An individual who is registered, or required to be registered, on any state sex offender registry or repository or the National Sex Offender Registry is ineligible to serve as a volunteer or to be employed at a camp. A written record of the employee and volunteer names that were submitted to the DCJS for checking against the Sex Offender Registry and DCJS's search results must be kept on file at the camp site.

(4) If any records required by this Article are maintained electronically, Department staff must be allowed to access such records while on-site.

Section 6. The Board of Health amends subdivision (b) of §48.11 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.11 Written Safety Plan.

(b) ***

(6) Staff training: Every camp must have a staff training curriculum, which provides at a minimum: a [training curriculum outline;] tour of the camp; a description of camp hazards; chain of command; procedures for camper supervision and discipline; child abuse recognition and reporting; provisions for first aid and emergency medical assistance; reporting of camper injury, incident and illness; buddy system; lost swimmer plan (if camp has an aquatics program); a lost camper plan; a lightning plan; fire safety and fire drills; camp evacuation procedures; activity specific training for assigned activities; a protocol for camp trips (if provided); and process to document attendance at and descriptions of required staff training.

(7) Camper orientation: Every camp must have a camper orientation curriculum, which provides at a minimum: a [orientation curriculum outline;] tour of the camp; a description of camp hazards; a protocol for reporting illness, injury and other incidents; a buddy or other accountability system approved by the Department; a lost camper plan; fire drills and evacuation plans; a lightning plan;

a protocol for camp trips; and process to document attendance [at orientation].

Section 7. The Board of Health amends subdivisions (a) and (c) and deletes subdivision (b) of §48.12 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.12 Supervision.

(a) The camp director [shall] must ensure that [provide] constant and competent supervision is provided to all campers at all times of camp operation.

[b] Adequate supervision shall mean that:

- (1) each camper is protected from any unreasonable risk to his or her health or safety, including physical or sexual abuse or any public health hazard;
- (2) each camper shall be under the immediate visual observation of a counselor, and in verbal contact with a counselor, during all activities, and
- (3) each camper's whereabouts shall be accounted for at all times.]

[c] (b) ***

(3) On any off-site camp trip, the following minimum staff-to-camper ratios must be maintained:

- (i) minimum counselor to camper ratio of 1:6[5] [shall] must be maintained, with at least one trip leader and one other counseling staff member in attendance for children 6 years of age or older;
- (ii) a minimum counselor to camper ratio of 1:5 must be maintained, with at least one trip leader and one other counseling staff member in attendance for children under 6 years of age.

(4) In addition to providing at least 1 qualified lifeguard, [in the NYS Sanitary Code [10 N.Y.C.R.R.] §7-2.5(g), or successor regulation], during all swimming activities, for every 25 swimmers, where each qualified lifeguard supervises no more than 3,400 square feet of pool surface and no more than 50 yards of shoreline at bathing beaches, there [shall] must be at least 1 senior counselor for every:

Section 8. The Board of Health amends subdivisions (a), (e), (i) and (j) and re-letters the subdivisions of §48.15 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.15 Safety standards for facilities.

(a) (1) Children under the age of 24 months must be located on the ground level of the camp.

(2) No camps receiving a first permit after January 1, 1989, shall allow children under six years of age to utilize any rooms, areas or other spaces above the third floor of a building, except that the Department may allow camps to occupy spaces above the third floor where the NYC Department of Buildings and Fire Department (FDNY) or other appropriate government entities have approved such use and the Department has approved the applicant or permittee's evacuation plan.

[a] (b) Fire [P]protection. ***

[b] (c) Camp [E]equipment. ***

[c] (d) ***

[d] (e) Housing [M]maintenance.

- (1) ***
- (2) ***
- (3) ***

- (4) ***
(5) ***
(6) There must be no peeling lead-based paint or peeling paint of unknown lead content on any surface accessible to children under 6 years of age.

[(e)] (f) Location[,] and grounds. ***

[(f)] (g) Food [S]sanitation. ***

[(g)] (h) Toilets; [S]showers; running water. ***

[(h)] (i) Sleeping quarters.

- (8) Toilets and hand wash sinks must be installed at a height that allows unassisted use by children. If adult-size toilets or hand wash sinks are in place, platforms with easily cleaned surfaces must be provided for use by children. Such platforms must be securely affixed to a permanent structure and free of hazards.

[(i)] (j) Other [E]environmental [C]controls.

- (4) No animals suspected of carrying a communicable disease shall be kept in camp. Animals kept in camp shall comply with applicable requirements of the NYS Environmental Conservation Law and/or [with] the Agriculture and Markets Law.

Section 9. The Board of Health REPEALS §48.17 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.17 Health and medical care.

(a) A camp health program must be maintained under the supervision of a camp health director and must include: the keeping of comprehensive health records, including records of physical examinations and immunizations of each child and each staff or volunteer; information indicating appropriate and adequate food and nutrition for campers and staff; emergency plan; first aid procedures; plan for reported accidents; search and rescue for lost, missing and runaway persons; daily observation of the children; daily check of food service and food service facilities and adequate cleanliness and maintenance of all facilities.

(b) Prior to or at admission, the camp director must obtain and maintain from every child in camp required medical records that includes a thorough medical examination by a licensed physician dated within 1 year prior to admission to camp. Such record must include a signed statement 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 any modifications of diet or activities. In addition, each camper medical record must include the children's immunization record which must include proof of immunization against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, varicella, hepatitis B, pneumococcal disease and haemophilus influenzae type b (Hib). A child may be exempted from this immunization requirement for CDC Advisory Committee on Immunization Practices (ACIP)-recognized medical contraindications, or other nationally-recognized evidence-based guidelines, upon submission of appropriate documentation from a physician licensed in the State of New York. Documentation of immunizations and exemptions must be kept on site and made available to the Department immediately upon request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site. Proof of required child immunizations must be made available for review by the Department immediately upon request and must be established by:

(1) A certificate of immunization prepared and signed by a physician licensed in the State of New York documenting that the child has been fully immunized against the diseases listed in this subdivision. The certificate of immunization must specify the products administered and the dates of administration. It may also show verified history of varicella disease and/or laboratory evidence of immunity to measles,

mumps, rubella, varicella and Hepatitis B. A record issued by NYSIIS, the CIR, an official immunization registry from another state, an electronic health record, and/or an official record from a foreign nation may be accepted as a certificate of immunization without a health practitioner's signature.

(2) Documentation that the child is in process of receiving an immunization for which the child is not fully immunized, as follows:

- (i) a child has received at least the first dose in each immunization series required by this subdivision (except in the case of live vaccines in which a child should wait 28 days after one live vaccine administration before receiving another live vaccine, if the vaccines were not given on the same day) and has age-appropriate appointments to complete the immunization series according to the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years;
- (ii) a child is obtaining serologic tests within 30 days of notification of the parent/guardian that such testing is requested; or
- (iii) a child's serologic test(s) are negative, and therefore the child in question has appointments to be immunized within 30 days of notification of the parent/guardian to complete, or begin completion, of the immunization series based on the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years.

(3) Children who are not fully immunized can only continue to attend camp if they are in the process of completing the immunization series based on the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years. If a child does not receive subsequent doses of vaccine in an immunization series according to the age appropriate ACIP catch-up schedule, including at appropriate intervals, the child is no longer in process and must be excluded from camp within 14 days.

(4) No owner, operator, or director of a camp shall permit any child to attend such camp without appropriate documentation of the immunizations required by this subdivision, except as provided for in this subdivision.

(c) All staff, including volunteers and kitchen and maintenance staff, must have had a medical examination dated within 2 years of working with the camp, indicating that they are physically able to perform their camp duties. The Department may require testing for tuberculosis at any time of any staff or volunteer when such testing is deemed necessary for epidemiological investigation.

(d) Each camp must provide in their written safety plan, the location and contact information to the nearest hospital, clinic, urgent care or doctor's office, as close as possible to the camp where children or staff can be taken in case of serious injury or illness.

(e) Necessary emergency medical care. When a child or staff is injured or becomes ill under such circumstances that emergency care is needed, the permittee must obtain such emergency medical care in accordance with the requirements of this section and immediately notify the person's parent, guardian or emergency contact.

(1) Each permittee must:

- (i) at the time of the child's admission into the program, obtain written consent from a parent or guardian authorizing the permittee or other caregivers to obtain emergency health care for the child; and
- (ii) secure emergency care when needed, and notify a parent or guardian immediately, and
- (iii) arrange for any needed transportation of any child in need of emergency health care and ensure that the required staff/child ratios are maintained for the children remaining in the program.

(2) Where a parent or guardian has provided written consent, medical authorization and training to designated staff, such designated staff may administer asthma inhalers, nebulizers and epinephrine auto-injectors to children.

(3) Where a parent has provided a written, individualized health care plan indicating the specific medications that can be administered and the schedule of such administration(s) for their child, including in cases of emergency, and there is a direct conflict between such plan and any provision of this section, the permittee must follow the child's individualized health care plan.

(4) The camper's and staff's family contact or other responsible person's name, address, and telephone

number to notify during an emergency must be kept on file.

(f) All camper and staff injuries, illnesses, and diseases and conditions reportable to the Department in accordance with Article 11 of this Code, must be reported to the camp health director and recorded in the medical log, including the date and time of the illness or injury, nature of complaint, diagnosis, treatment, disposition of case, area in camp where the accident causing the injury occurred, activity in which accident victim was engaged and tool or item of program equipment or other object causing injury.

(g) Within 24 hours, any of the following must be reported by the camp to the Department:

- (1) all camper and staff injuries or illnesses which result in death or which require resuscitation or admission to a hospital;
- (2) all instances where epinephrine was administered to a staff member or camper;
- (3) camper injuries to the eye, head, neck or spine which require referral to a hospital or other facility for medical treatment;
- (4) camper injuries where the victim sustains 2nd or 3rd degree burns to 5 percent or more of the body;
- (5) camper injuries which involve bone fractures or dislocations;
- (6) camper lacerations requiring sutures or glue;
- (7) allegations of camper abuse or neglect (as defined in §48.25(a)(3)(i));
- (8) all camper and staff illnesses suspected of or confirmed as being water-, food- or air-borne, or spread by contact;
- (9) any persons exposed to rabies; and
- (10) any lost campers.

(h) The camp director must isolate and exclude any child or staff member who is suspected or confirmed with, or has been exposed to, a communicable disease requiring isolation or exclusion under Article 11 of this Code. Any child or staff member who has been excluded must not be permitted to return to the camp without a written statement from a health care provider indicating that the child or staff member is free from such disease in communicable form and that the period of isolation or exclusion required by Article 11 of this Code has ended.

(i) At all camps, there must be a current and fully-equipped first aid cabinet with appropriate contents relative to the size and activities of the camp and ability to contact 911. All camps which travel from their home base must carry with them a first aid kit that must be stocked to treat a broad range of injuries and situations commensurate with the number of children present.

(j) An infirmary having hot and cold running water, examining room, isolation area, convalescent space, bathroom with flush toilets and showers must be provided at all camps with 100 or more persons in residence, including staff.

(k) In all non-overnight camps, a quiet place must be set aside away from the group where a child with a minor illness or injury can relax with an adult counselor in attendance.

Section 10. The Board of Health amends subdivision (a) of §48.21 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.21 Insurance.

(a) Adequate insurance coverage [shall] must be obtained prior to the camping season and [shall] must include workers' compensation and disability insurance for the camp staff, comprehensive liability and motor vehicle insurance on camp vehicles.

Section 11. The Board of Health adds a new subdivision (l) to §48.23 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.23 Transportation.

(1) Before any child may be transported in a motor vehicle where such transportation is provided or arranged for by the camp permittee, the camp must ensure all children are secured in child safety seats properly installed per manufacturers' recommendations, or with safety belts, as appropriate for the age of the child in accordance with the requirements of the NYS Vehicle and Traffic Law.

Section 12. The Board of Health REPEALS §48.25 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.25 Additional requirements for camps enrolling campers with disabilities.

(a) As used in this section, the following terms have the following meanings:

(1) "Developmental disability camp health director" means a physician, physician assistant, nurse practitioner, registered nurse or licensed practical nurse and who must be on-site for the period the camp is in operation.

(2) "Justice Center" means the Justice Center for the Protection of People with Special Needs, as established pursuant to § 551 of the NYS Executive Law.

(3) Reportable incidents include, but are not limited to, the following:

(i) allegations of "Abuse or Neglect", which includes, but is not limited to, those actions by camp staff that:

(A) satisfies the definitions of "physical abuse", "sexual abuse", "psychological abuse", "deliberate inappropriate use of restraints", "use of aversive conditioning", "obstruction of reports of reportable incidents", "unlawful use or administration of controlled substance" and "neglect", as such terms are defined in § 488 of the NYS Social Services Law.

(B) are actions incorporated within the definitions of "unauthorized seclusion," "unauthorized use of time-out," "administration of a prescribed or over-the-counter medication, which is inconsistent with a prescription or order issued by a licensed, qualified health care practitioner, and which has an adverse effect," and "inappropriate use of restraints," as such terms are defined in § 488 of the NYS Social Services Law.

(ii) allegations of a "Significant Incident", which means an incident (other than an incident of abuse or neglect as defined by clause (i) of paragraph (3) of this subdivision) that because of its severity or the sensitivity of the situation may result in, or has a reasonably foreseeable potential to result in, harm to the health, safety, or welfare of a camper with a developmental disability. A significant incident includes, but is not limited to:

(A) conduct between campers with developmental disabilities that would constitute abuse, as defined in this subdivision, if it had been conducted by a camp staff member; or

(B) conduct by a camp staff member which is inconsistent with the individual treatment plan for a camper with a developmental disability, generally accepted treatment practices and/or applicable federal or state laws, regulations or policies, or impairs or creates a reasonably foreseeable potential to impair the health, safety or welfare of a camper with a developmental disability.

(4) "Personal representative" means a camper's parent, guardian, or person authorized to act on behalf of a camper with a developmental disability in making health care decisions.

(b) Staff and supervision requirements.

(1) The camp director, who may also be the camp operator, must possess a bachelor's degree from an accredited program in the field of physical education, recreation, education, social work, psychology, rehabilitation or related human services fields and must present evidence of specialized training or 1 year of experience in treating or working with individuals with a developmental disability.

(2) A camp director does not have to meet the requirements of paragraph (1) of this subdivision if:

(i) The individual was a camp director for a camp for developmentally disabled campers during each

of the 3 camping seasons preceding the 1986 camping season; and

(ii) Conditions at the camp did not threaten the health or safety of campers during that person's tenure as camp director; and

(iii) The individual otherwise meets the minimum qualifications for a camp director, as set forth in §48.09.

(3) The camp director, or any camp staff, must not be on the Justice Center Staff Exclusion List (SEL) established pursuant to § 495 of the NYS Social Services Law.

(4) The camp director must develop a written staff training program appropriate to the specific needs of the campers with developmental disability enrolled in the camp.

(5) Camp staff providing direct care of a camper with a developmental disability must be trained on the specific needs of the campers in their charge.

(c) *Medical requirements.*

(1) Prior to or at enrollment, a camp director must obtain existing individual treatment, care and behavioral plans for campers with a disability, which must be maintained, reviewed and monitored by the developmental disability camp health director.

(2) The developmental disability camp health director must ensure that camp staff implement adequate procedures to protect the health and safety of a camper based on the treatment plan provided and, when necessary, in consultation with an individual's parent, guardian, personal representative, physician and/or clinical team.

(3) Modified diets, use of any specialized devices and/or other special needs related to a camper's disability, must be identified for each camper prior to arrival at camp, and provided for in accordance with supplied directions, and reviewed and monitored by the developmental disability camp health director.

(4) The confidential medical history for a camper with a disability must, in addition to the requirements of § 48.17, include:

(i) Any restrictions, allergies, medications, special dietary needs, and other pre-existing medical, physical or psychological conditions and illnesses needing attention.

(ii) The camper's physician's name, address and telephone number.

(d) *Recreational safety.*

(1) All appropriate recreational activities must be accessible by providing ramps, proper surfaces for movement, and/or adaptive equipment.

(2) The minimum counselor-to-camper ratio who use a wheelchair, adaptive equipment or bracing to achieve ambulation, but who do not possess, for whatever reason, the ability to fit, secure or independently manipulate such devices to achieve ambulation, shall be 1:2.

(3) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be 1 counselor for each camper who is non-ambulatory or has a disability identified by the camper's parents, guardian, physician or residential care provider that may result in an increased risk of an emergency in the water, such as uncontrolled epilepsy.

(4) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be 1 staff member for every 5 campers with a developmental disability not designated in paragraph (3) of this subdivision.

(5) No camper with a developmental disability can participate in swimming activities unless a written permission statement signed by the camper's parent, guardian or residential care provider is on file at the camp.

(6) The camp safety plan approved under § 48.11 must contain a procedure to address the handling of seizures, gag syndrome, and aspiration of water for campers with developmental disabilities. All bathing beach and swimming pool staff must be trained to implement the procedure prior to the date the camp begins operation. In-service training using this procedure must be conducted and documented every 2 weeks after the commencement of the camp's operation or as otherwise approved by the Department in the camp's safety plan.

(e) Transportation.

(1) A camp serving wheelchair-bound campers must provide an adequately-equipped vehicle for transportation.

(2) There shall be at least 1 counselor in addition to the driver in any vehicle transporting campers with a developmental disability or as provided in the camp safety plan approved under §48.11.

(f) Toilets, privies, lavatories, showers. All lavatories and showers used by a camper with a disability must be equipped with specialized fixtures, grab bars or other controls appropriate for the camper's disability. Lavatories and showers used by campers with physical, intellectual or developmental disabilities, who are unable to moderate water temperature safely, must have a water temperature not greater than 110 degrees Fahrenheit.

(g) Sleeping quarters.

(1) Buildings housing non-ambulatory or wheelchair-bound campers must have ramps constructed in accordance with the NYS Fire Prevention and Building Code (19 NYCRR Chapter XXXIII, Subchapter A, Part 1219) to facilitate access and egress and must maintain a minimum 36 inch wide clear path to exits if 2 ramps are provided, or a 60 inch wide clear path when only 1 ramp is provided.

(2) Non-ambulatory campers must not have their sleeping accommodations above the ground floor.

(h) Location and grounds. Exterior paths of travel must be free of encumbrances and provide an appropriate surface for movement during inclement weather as appropriate for the camp population being served.

(i) Incident reporting. In addition to reporting incidents as required by this Article, all camp staff must immediately report any incident involving a camper with a developmental disability to the camp director, the Department and to the Justice Center's Vulnerable Person's Central Register (VPCR). Such report must be provided in a form and manner as required by the Department and the Justice Center.

(j) Immediate protections and notifications. Immediately upon notification of an allegation of abuse, neglect or significant incident as defined in § 48.25(a)(3), the camp director or designee must ensure appropriate actions are taken to immediately address the physical and psychological needs of the camper(s) involved, implement protections to ensure the safety and mitigate further risk to campers and document such actions and implementations.

(k) The camp director or designee must notify a camper with a developmental disability and the camper's personal representative that the camper is an alleged victim or potential witness of an incident of abuse or neglect.

(1) Alleged victims must be notified within 24 hours and potential witnesses must be notified within 48 hours of reporting to the camp director or designee and to the Department, that an incident of abuse or neglect has been accepted by the Justice Center for investigation.

(2) There shall be no notification of a personal representative if the alleged victim or potential witness objects to such notification or if providing such notification would compromise the investigation, violate relevant confidentiality laws, be contrary to court order, or otherwise contrary to the best interests of the alleged victim or the potential witness.

(l) Camp staff must document in writing that notice of an incident (as described in subdivision (k)) was given or that adequate effort to make such notification was made for each camper.

(m) Staff screening, training and code of conduct.

(1) Prior to hiring anyone who will or may have direct contact with campers, or approving credentials for any camp staff, the camp director must follow the procedures established by the Justice Center in its regulations or policy, to verify that such person is not on the SEL.

(2) Prior to hiring anyone who will or may have direct contact with campers, the camp director must consult the NYS Office of Children and Family Services' Statewide Central Register of Child Abuse and Maltreatment (SCR) as required by § 424-a of the NYS Social Services Law to verify that such person is not on such registry.

(3) The screenings required by paragraphs (1) and (2) of this subdivision are in addition to the

requirement that the camp director similarly verify that any prospective camp staff is not on the sex offender registry, as required by §48.09(m)(3).

(4) A camp director must ensure that camp staff receive training regarding their mandated reporting obligations as mandated reporters as defined by Article 11 of the NYS Social Services Law. A camp director must ensure that the telephone number for the Justice Center's VPCR hotline for the reporting of reportable incidents is conspicuously displayed in areas accessible to mandated reporters and campers.

(5) The camp director must ensure that all camp staff are provided with a copy of the code of conduct established by the Justice Center pursuant to § 554 of Executive Law. Such code of conduct must be provided at the time of initial employment, and at least annually thereafter during the term of employment. Receipt of the code of conduct must be acknowledged and the recipient must further acknowledge that he or she has read and understands such code of conduct.

(n) *Disclosure of information.*

(1) Except as prohibited by law, the camp director must share information relevant to the investigation of any incident subject to reporting under this Article with the Department and the Justice Center. Except as prohibited by law, the Department and the Justice Center may share information obtained in their respective investigations of incidents.

(2) Except as prohibited by law, records of facilities or provider agencies not otherwise subject to Article 6 of the NYS Public Officers Law must be made available for public inspection and copying, when such records relate to abuse and neglect, or a significant incident of developmentally-disabled persons, to the same extent that those records would be available from a state agency, as defined in such Article.

(o) *Incident management.*

(1) The camp director must promptly obtain an appropriate medical examination of a physically injured camper with a developmental disability.

(2) The camp director must fully cooperate with the investigation of reportable incidents involving campers with developmental disabilities and must provide all necessary information and access to conduct the investigation. The camp director must provide information, whether obtained pursuant to the investigation or otherwise, to the Justice Center and Department upon request, in the form and manner requested. Such information must be provided when requested by the Justice Center or Department or other applicable investigator.

(3) At the conclusion of any investigation of an alleged reportable incident, the camp director must:

(i) Assess the need for corrective actions;

(ii) Report corrective actions to the Department within 45 days of the conclusion of an investigation; and

(iii) Implement corrective actions identified by the camp, or required by the Department or the Justice Center.

(iv) Corrective action plans must be implemented as soon as possible but no later than 90 days of the completion of an investigation, unless the camp has closed for the season. If closed for the season, corrective action plans must be implemented when the camp reopens.

(p) *Incident review committee.*

(1) Unless as provided by paragraph (2) of this subdivision, a camp must maintain a facility incident review committee in accordance with 14 NYCRR Part 704.

(2) Pursuant to paragraph (f) of subdivision (1) of § 490 of the Social Services Law and 14 NYCRR Part 704, a camp director may seek an exemption from the Department from the requirement to establish and maintain an incident review committee.

(i) In order to obtain an exemption, the camp director must file an application with the Department and provide sufficient documentation and information to demonstrate that compliance would present undue hardship, that granting an exemption would not create an undue risk of harm to campers' health and safety and specify an alternative process to ensure appropriate review and evaluation of reportable incidents.

(ii) If approved by the Department, a camp director must meet all terms of an approved exemption(s).

An exemption shall remain in effect until revoked by the Department. A camp director must immediately notify the Department when conditions upon which the incident review committee exemption was granted have changed.

(g) In addition to all other bases afforded to the Department to deny, suspend or revoke a permit as specified in this Code, a camp permit may be denied, revoked or suspended if the camp fails to comply with regulations, policies, or other applicable requirements of the Justice Center, as determined by the Department. In considering whether to issue a permit to a camp, the Department shall consider the camp's past and current compliance with the regulations, policies, or other requirements of the Justice Center.

Section 13. The Board of Health creates a new §48.26 in Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.26 Modification of provisions.

When the strict application of any provision of this Article presents substantial difficulties, or unusual or unreasonable hardships, the Commissioner of the Department or designee may in a specific instance modify the application of such provision consistent with the general purpose and intent of this Article and upon such conditions as in his/her opinion are necessary to protect the health of the children. Unless a specific duration is specified by the Department, all modifications shall remain in effect for the remainder of the permit period and shall expire at the end of the permit period.

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Notes: At its meeting on December 17, 2019, the Board of Health adopted amendments to Article 48 of the NYC Health Code primarily to align the Health Code with applicable state requirements for camps and immunizations.