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Amendments to Subpart 7-2 of the NYS Sanitary Code

Effective October 1, 2016

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Amendment to Subpart 7-2 Children's Camps

This presentation is to discuss implementation of amendments that became effective on October 1, 2016 which extend certain health and safety protections to all campers with physical and developmental disabilities attending a camp with less than 20 percent of children having a developmental disability.



to Subpart 7-2

- The amendments effective October 1, 2016 do **not** impose NYS Justice Center requirements on camps with fewer than 20% of the children having a developmental disability.
- Old Section 7-2.25 was repealed and replaced with new a section divided into two subdivisions:
 - Subdivision “a” applies to all camps enrolling a camper with a developmental or physical disability.
 - Subdivision “b” applies only to camps with enrollments of 20% or more developmentally disabled campers.
- With one exception pertaining to water temperature, the amendments only pertain to children's camps that enroll campers with disabilities.



Developmental Disability Definition

THIS IS NOT A NEW OR REVISED DEFINITION

7-2.2(d) A developmental disability is a **severe, chronic disability** of a person which is attributable to mental retardation, cerebral palsy, epilepsy, autism or neurological impairment, or is attributable to any other condition of a person similar to mental retardation, cerebral palsy, epilepsy, autism or neurological impairment because such condition results in similar impairment of general intellectual functioning and/or adaptive behavior and requires treatment and services similar to those required for such persons; originates before 18; is likely to continue indefinitely.



Identifying Campers with a Disability

Camps must have a mechanism for identifying campers with a developmental or physical disability

- Application or enrollment documents
- Health history information
 - needs related to a camper's disability must be planned and provided for in accordance with supplied directions



Treatment, Care and Behavioral Plans

- Camps must obtain treatment, care and behavioral plans for campers with disabilities that have such plans and implement adequate procedures to protect the health and safety of a camper based on the plan(s)
 - Camps are not required to create plans
 - Camp operators can work with camper's parent, guardian and/or clinical team to identify necessary components to protect the health and safety of a camper while at camp

Staff Training – Camper Specific Needs

- Staff that have direct care responsibilities for campers with disabilities must be trained on the specific needs of the campers in their charge
 - Camps are **not** required to develop formal written training or obtain specific certifications but must document the training
 - Training/instruction provided must be adequate for staff to understand the disability and specific needs of the camper to protect his or her health and safety while at camp
 - LHDs/DOs are **not** expected to review or approve training
 - LHDs/DOs will verify training of staff during inspection and when incidents or complaints occur



Non-ambulatory

A non-ambulatory camper is unable to move from place to place on his or her own. For the purposes of this regulation, this includes but is not limited to, campers who rely on wheelchairs or walkers or other adaptive equipment that they cannot affix or independently manipulate on their own or cannot independently navigate pathways to exit a building in case of an emergency.



Personnel and Supervision

A 1:2 supervision ratio must be maintained for campers who cannot independently manipulate a wheelchair or adaptive equipment



Bathrooms and Showers

- Bathrooms and showers used by campers with a physical disability must be equipped with specialized fixtures appropriate for the camper's disability
 - Camp operators are not being required by 7-2 to retrofit all bathrooms and showers with adaptive equipment, but if needed by a camper they must provide facilities
- Bathrooms and showers used by campers with a physical, intellectual or developmental disability, who are unable to moderate water temperature safely, must have water temperatures not greater than 110 degrees Fahrenheit

Sleeping Quarters

- Buildings housing campers who are **non-ambulatory** or use a **wheelchair** must have ramps constructed in accordance with the Uniform Code to facilitate access and egress
- **Non-ambulatory** campers must not have their sleeping accommodations above the ground floor

Grounds

- Exterior paths must be free of encumbrances and provide for safe travel during inclement weather

Swimming Safety

- Parent/guardian's written permission is required to allow campers with developmental disabilities to participate in swimming activities.
- 1:5 supervision ratio must be maintained during swimming activities for campers with developmental disabilities
 - If a camp only has one or two campers with a developmental disability, can a counselor supervise additional campers?



Swimming Safety

- 1:1 supervision ratio must be maintained during swimming activities for non-ambulatory campers or campers with a disability identified by their parent/guardian that may result in an **increased risk of an emergency in the water, such as uncontrolled epilepsy**
- Camps must develop and provide in-service training on procedures for handling seizures or aspiration of water by campers with developmental disabilities that may occur during swimming activities
 - These are not extensive or cumbersome and are provided in the camp safety plan template



Safety Plans

The Department is preparing a safety plan addendum that can be used for the 2017 season. The addendum will cover additional policies associated with:

- Treatment, care and behavioral plans,
- Staff training,
- Minimum staff supervision, and
- Swimming

Miscellaneous (not specific to campers with disabilities)

- Water for showers must be heated to between 110 and 120 degrees Fahrenheit

Overview of Amendment to Subpart 7-2

What else from old Section 7-2.25 is not applicable to camps with fewer than 20% of the children having a developmental disability?

- Additional Camp Director qualifications, training or experience are not applicable.
- Health Director qualifications remain unchanged.
- Transportation- We did not require a counselor in addition to the driver.

