

STATE OF NEW YORK

3074--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

Introduced by M. of A. ABINANTI, BUCHWALD, SIMON, GOTTFRIED, L. ROSENTHAL, CRESPO, McDONALD, PAULIN, AUBRY, GARBARINO, FAHY, RA, D'URSO, GUNTHER, JAFFEE, BLAKE, CROUCH, MORINELLO, SAYEGH, MIKULIN, STIRPE, LENTOL, DAVILA, DeSTEFANO, DICKENS, SIMOTAS, BRABENEC, WEPRIN, LAVINE, ZEBROWSKI, ASHBY -- Multi-Sponsored by -- M. of A. BUTTENSCHON, COOK, GALEF, HEVESI, WALCZYK, WALSH -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the provision of certain professional services to children's camps and camps for children with developmental disabilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 1394 of the public health law, as
2 added by chapter 515 of the laws of 2000, is amended to read as follows:
3 1. The public health and health planning council shall prescribe stan-
4 dards and establish regulations for children's overnight, summer day and
5 traveling summer day camps, as defined in this article, concerning such
6 matters as may be appropriate for the protection and security of the
7 life, health and safety of the occupants of such camps.
8 § 2. Subdivision 3 of section 1394 of the public health law, as added
9 by chapter 214 of the laws of 2012, is amended and two new subdivisions
10 6 and 7 are added to read as follows:
11 3. Any person, firm, corporation, or association that operates a chil-
12 dren's overnight, summer day, or traveling summer day camp, and has
13 obtained a permit pursuant to section thirteen hundred ninety-three of
14 this article, shall be authorized to employ or contract with any of the
15 following licensed professionals: a physician, nurse practitioner,
16 physician assistant, registered nurse, licensed mental health profes-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ~~sional~~, or licensed practical nurse [~~or emergency medical technician~~] to
2 act as a designated camp health director or to provide health services
3 in assistance to the camp health director [~~pursuant to applicable regu-~~
4 ~~lations promulgated by the commissioner~~].

5 6. (a) Any person, firm, corporation, or association that operates a
6 children's overnight, summer day, or traveling summer day camp, and has
7 obtained a permit pursuant to section thirteen hundred ninety-three of
8 this article, shall be authorized to employ or contract with emergency
9 medical technicians to provide health services in assistance to the camp
10 health director.

11 (b) Emergency medical technicians shall not be authorized to serve as
12 a designated camp health director.

13 7. All decisions, identification or coordination of professional
14 services, or other professional interactions with campers and staff,
15 must be made based on the professional judgment of such licensees to
16 provide professional services within his or her lawful scope of practice
17 for the purpose of treating campers and staff during their attendance or
18 employment at such camp, pursuant to applicable regulations promulgated
19 by the commissioner in consultation with the commissioner of education.

20 § 3. The public health law is amended by adding two new sections
21 1394-c and 1394-d to read as follows:

22 § 1394-c. Licensed professionals; children's camps. 1. Any person,
23 firm, corporation, or association that operates a children's overnight,
24 summer day or traveling summer day camp, and has obtained a permit
25 pursuant to section thirteen hundred ninety-three of this article, shall
26 be authorized to employ or contract with any of the mental health prac-
27 titioners licensed under articles one hundred fifty-three, one hundred
28 fifty-four and one hundred sixty-three of the education law, to provide
29 professional services between June first and September fifteenth.

30 2. All decisions, identification or coordination of professional
31 services, or other professional interactions with campers and staff,
32 must be made based on the professional judgment of such licensees to
33 provide professional services within his or her lawful scope of practice
34 for the purpose of treating campers and staff during their attendance or
35 employment at such camp, pursuant to applicable regulations promulgated
36 by the commissioner in consultation with the commissioner of education.

37 3. A camp that employs or contracts with a licensed mental health
38 professional under this section shall list such professional in their
39 general consent form.

40 4. Nothing in this section shall be construed to limit the authority
41 of another state agency if such state agency is otherwise authorized
42 under another provision of law to certify, license, contract or author-
43 ize such camp, nor shall the authority to hire licensed professionals
44 pursuant to this section be construed to provide an exemption of such
45 camp from any certification, licensure, or any other such requirement
46 established by such state agency or under any other provision of law.

47 § 1394-d. Licensed professionals; camps for children with develop-
48 mental disabilities. 1. Camps for children with developmental disabili-
49 ties, as defined in subpart 7-2.2, part 7, chapter 1 of Title 10 of the
50 New York codes, rules and regulations, and in compliance with the
51 justice center for the protection of people with special needs, shall be
52 authorized to employ or contract with any of the licensed professionals
53 licensed under articles one hundred thirty-two, one hundred thirty-six,
54 one hundred fifty-six, one hundred fifty-nine, one hundred sixty-two and
55 one hundred sixty-seven of the education law, to provide professional
56 services between June first and September fifteenth.

1 2. All decisions, identification or coordination of professional
2 services, or other professional interactions with campers and staff,
3 must be made based on the professional judgment of such licensees to
4 provide professional services within his or her lawful scope of practice
5 for the purpose of treating campers and staff during their attendance or
6 employment at such camp, pursuant to applicable regulations promulgated
7 by the commissioner in consultation with the commissioner of education.
8 § 4. This act shall take effect June 1, 2020.