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:

Section 1. Subdivision 1 of section 1394 of the public health law, as added by chapter 515 of the laws of 2000, is amended to read as follows:

1. The public health **and health planning** council shall prescribe standards and establish regulations for children's overnight, summer day and traveling summer day camps, as defined in this article, concerning such matters as may be appropriate for the protection and security of the life, health and safety of the occupants of such camps.

§ 2. Subdivision 3 of section 1394 of the public health law, as added by chapter 214 of the laws of 2012, is amended and two new subdivisions 6 and 7 are added to read as follows:

3. Any person, firm, corporation, or association that operates a children's overnight, summer day, or traveling summer day camp, and has obtained a permit pursuant to section thirteen hundred ninety-three of this article, shall be authorized to employ or contract with **any of the following licensed professionals:** a physician, nurse practitioner, 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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sional, or licensed practical nurse [~~or emergency medical technician~~] to act as a designated camp health director or to provide health services in assistance to the camp health director [~~pursuant to applicable regulations promulgated by the commissioner~~].

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

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

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

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

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

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

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

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

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

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

§ 4. This act shall take effect June 1, 2020.