

STATE OF NEW YORK

4345--A

Cal. No. 378

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sens. BROUK, HELMING, HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 five new subdivisions 6, 7, 8, 9 and 10 are added to read as follows:

3. ~~[Any]~~ Notwithstanding the provisions of Title VIII of the education law, 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 a physician, nurse practitioner, physician assistant, registered nurse, 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]~~ for the sole purpose of providing health services that benefit campers and staff at the camp while the

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

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1 camp is in operation. In cases where the camp health director's lawful
2 scope of practice is more limited than that of the licensed professional
3 providing services, the camp health director shall not supervise the
4 provision of such treatment, but shall be informed of such treatment as
5 medically necessary to ensure the well-being of the camper.

6 6. Notwithstanding the provisions of Title VIII of the education law,
7 any person, firm, corporation, or association that operates a children's
8 overnight, summer day, or traveling summer day camp, and has obtained a
9 permit pursuant to section thirteen hundred ninety-three of this arti-
10 cle, shall be authorized to employ or contract with individuals licensed
11 under articles one hundred fifty-three, one hundred fifty-four, one
12 hundred sixty-three and one hundred sixty-seven of the education law to
13 provide mental health services between June first and September
14 fifteenth for the sole purpose of providing health services that benefit
15 campers and staff at the camp while the camp is in operation. Individ-
16 uals hired under this section shall communicate with the camp health
17 director when medically necessary.

18 7. (a) Any person, firm, corporation, or association that operates a
19 children's overnight, summer day, or traveling summer day camp, and has
20 obtained a permit pursuant to section thirteen hundred ninety-three of
21 this article, shall be authorized to employ or contract with emergency
22 medical technicians to provide health services in assistance or in
23 communication with the camp health director for the sole purpose of
24 providing health services that benefit campers and staff at the camp
25 while the camp is in operation.

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

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

35 9. Nothing in this section shall be construed to limit the authority
36 of another state agency if such state agency is otherwise authorized
37 under another provision of law to certify, license, contract or author-
38 ize such camp, nor shall the authority to hire individuals licensed
39 pursuant to this section be construed to provide an exemption of such
40 camp from any certification, licensure, or any other such requirement
41 established by such state agency or under any other provision of law.

42 10. A camp that employs or contracts with an individual licensed under
43 articles one hundred fifty-three, one hundred fifty-four, one hundred
44 sixty-three and one hundred sixty-seven of the education law under this
45 section shall list such individuals in their general consent form.

46 § 3. The public health law is amended by adding a new section 1394-c
47 to read as follows:

48 § 1394-c. Camps for children with developmental disabilities. 1. Camps
49 for children with developmental disabilities, as defined in subpart
50 7-2.2 of part seven of chapter one of title ten of the New York state
51 codes, rules and regulations, and in compliance with the justice center
52 for the protection of people with special needs, shall be authorized to
53 employ or contract with any of the individuals licensed under articles
54 one hundred thirty-two, one hundred thirty-six, one hundred fifty-six,
55 one hundred fifty-nine, one hundred sixty-two and one hundred sixty-sev-
56 en of the education law, to provide professional services between June

1 first and September fifteenth. Individuals hired under this section
2 shall communicate with the camp health director when medically necessary
3 for the sole purpose of providing health services that benefit campers
4 and staff at the camp while the camp is in operation. In cases where the
5 camp health director's lawful scope of practice is more limited than
6 that of the licensed professional providing services, the camp health
7 director shall not supervise the provision of such treatment, but shall
8 be informed of such treatment as medically necessary to ensure the well-
9 being of the camper.

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

17 3. Nothing in this section shall be construed to limit the authority
18 of another state agency if such state agency is otherwise authorized
19 under another provision of law to certify, license, contract or author-
20 ize such camp, nor shall the authority to hire licensed professionals
21 pursuant to this section be construed to provide an exemption of such
22 camp from any certification, licensure, or any other such requirement
23 established by such state agency or under any other provision of law.

24 § 4. This act shall take effect one year after it shall have become a
25 law. Effective immediately the addition, amendment and/or repeal of any
26 rule or regulation necessary for the implementation of this act on its
27 effective date are authorized to be made on or before such date.