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

6. 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 individuals licensed under articles one hundred fifty-three, one hundred fifty-four, one hundred sixty-three and one hundred sixty-seven of the education law to provide mental health services between June first and September fifteenth for the sole purpose of providing health services that benefit campers and staff at the camp while the camp is in operation. Individuals hired under this section shall communicate with the camp health director when medically necessary.

7. (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 or in communication with the camp health director for the sole purpose of providing health services that benefit campers and staff at the camp while the camp is in operation.

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

8. 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.

9. 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 individuals licensed 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.

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

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

§ 1394-c. Camps for children with developmental disabilities. 1. Camps for children with developmental disabilities, as defined in subpart 7-2.2 of part seven of chapter one of title ten of the New York state 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 individuals 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. Individuals hired under this section shall communicate with the camp health director when medically necessary for the sole purpose of providing health services that benefit campers and staff at the camp while the camp is in operation. In cases where the camp health director's lawful scope of practice is more limited than that of the licensed professional providing services, the camp health director shall not supervise the provision of such treatment, but shall be informed of such treatment as medically necessary to ensure the well-being of the camper.

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. 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.

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