



CHAPTER 1

State Sanitary Code

Subpart 7-2

CHILDREN'S CAMPS

(Statutory Authority: Public Health Law, §225)

Includes Amendments
Effective June 22, 2016

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7-2.1 Enforcement; public health hazards and other violations.

(a) Enforcement. The enforcement procedures delineated in sections 12, 12-a, 16, 206, 225, 308, 309, 348, 373, 1308, 1393, and 1395 of the Public Health Law shall be followed where the permit-issuing official or his representative determines that closing of a children's camp is necessary to protect the public health or safety of the occupants of the camp. Where a public health hazard is found on the property, the building or portion of the property constituting the hazard shall be placarded against occupancy until the hazard is corrected. The closure provisions of Part 14 of this Title shall be utilized for public health hazards occurring in food service facilities. When a placard is used to protect the occupants from a public health hazard, it shall be conspicuously posted at each entrance or walkway leading to the portion of the property that constitutes the hazard. The placard shall state the authority for its placement and indicate that concealment, mutilation, alteration or removal of it by any person without permission of the permit-issuing official shall constitute a violation of this Chapter and the Public Health Law. The permit-issuing official or his representative shall inspect the premises within three working days of posting the placard to assure compliance with terms of the order, and shall inspect the premises within two working days of notification that the hazard has been eliminated to remove them after verifying the correction.

(b) Public health hazards.

(1) A public health hazard is any condition which could be expected to be responsible for illness, physical injury or death.

(2) Any of the following violations are public health hazards which require the permit-issuing official or his designated representative to order immediate correction or to immediately institute action as provided in the law and in this Subpart:

(i) supervision of children is not in accordance with the supervisory or personnel qualification standards prescribed in sections 7-2.5, 7-2.11 and 7-2.25 of this Subpart resulting in a child not being protected from any unreasonable risk to his or her health or safety;

(ii) on-site potable water system serving the children's camp contains contaminants in excess of the maximum contaminant levels prescribed in Part 5 of this Title or section 7-2.6(e) of this Subpart;

- (iii) use of an unapproved or contaminated water supply source;
- (iv) treatment of the water system, required for disinfection or removal of contaminants, is not continuous;
- (v) disinfection which is inadequate to destroy harmful microorganisms or to maintain a specified chlorine residual;
- (vi) presence of cross connections or other faults in the water distribution or plumbing systems which result, or may result, in the contamination of the potable water supply;
- (vii) insufficient quantity of water to meet drinking or sanitary demands;
- (viii) sewage on the ground surface in areas accessible to children or which may contaminate food or pollute a source of water supply or a bathing beach;
- (ix) implementation of the medical requirements of the camp safety plan not under the supervision of a camp health director; at Camps for Children with Developmental Disabilities, as defined in section 7-2.2(d-1) of this Subpart, medication is not under the supervision of licensed or certified personnel;
- (x) passengers transported in the bed of a truck or trailer or in any other portion of a vehicle that is not designed for passenger occupancy; children transported without counselor supervision in a vehicle;
- (xi) camp swimming pool or bathing beach not under the direct supervision of the camp aquatics director or his assistant;
- (xii) allowing swimming or incidental water immersion which is not in accordance with 7-2.11(a)(1), 7-2.11(a)(5)(iii) or 7-2.11(j) of this Subpart;
- (xiii) minimum safety equipment in Part 6 of this Title not provided at the waterfront or swimming pool. Depth markings not provided at a swimming pool or a bathing beach as required by Part 6 of this Title;
- (xiv) failure to provide fencing or other security during nonuse of a pool;

- (xv) failure to use personal flotation equipment during boating or other waterfront activities;
- (xvi) failure to establish and enforce the Buddy System and Board System or other method generally accepted as providing a similar or equivalent level of bather safety during swim periods;
- (xvii) permitting diving in hazardous areas;
- (xviii) failure to restrict non-swimmers to water less than chest deep except as allowed under Subdivision 7-2.11(a);
- (xix) riflery conducted without adequate supervision or on a range hazardous to campers or the general public;
- (xx) archery or horseback riding not under the direction of competent instructors with equipment and facilities installed and maintained to eliminate hazards;
- (xxi) overcrowding of sleeping quarters resulting in inadequate spacing of bunks or in blockage of fire exits; failure to supervise children in sleeping quarters;
- (xxii) failure to provide two fire exits where required or blockage of a required fire exit by locking or other obstruction;
- (xxiii) failure to provide a fire alarm system in multi-story buildings;
- (xxiv) installation of stoves or heating equipment constituting a fire hazard or inadequate venting of fumes;
- (xxv) failure to properly store flammable liquids and toxic substances;
- (xxvi) failure to maintain firefighting equipment in working order;
- (xxvii) failure to implement the camp safety plan resulting in a child not being protected from any unreasonable risk to his or her safety; or
- (xxviii) any other item deemed to be a public health hazard by the permit-issuing official under this Subpart or Part 5, 6 or 14 of the Sanitary Code.

(c) Other violations. Violations of other sections of this Subpart or of other Parts of this Chapter are also subject to a penalty upon conviction.

7-2.2 Definitions.

(a) Summer day camp shall mean a property consisting of a tract of land and any tents, vehicles, buildings, or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year by children under 16 years of age, under general supervision, for the purpose of indoor or outdoor organized group activities, involving two or more activities of which at least one is a nonpassive recreational activity with significant risk of injury, as defined in subdivision 7-2.2(l) of this Subpart, for a period of less than twenty-four hours on any day the property is so occupied, and/or which no provisions are made for overnight occupancy by such children.

(b) A traveling summer day camp shall mean a summer day camp which regularly operates in a period between May 15 and September 15, and which regularly transports children under 16 years of age on a regular schedule to a facility, site or property, including any tract of land, beach, park, stadium, building, tents or other structures pertinent to its use and primarily for the purpose of organized group activity.

(c) A children's overnight camp shall mean a property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied by persons under 18 years of age for the purpose of outdoor or indoor organized activities and on which provisions are made for overnight occupancy of children.

(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.

(d-1) Camp for Children with Developmental Disabilities shall mean a children's camp with 20% or more enrollment of campers with a developmental disability as defined by subdivision (d) of this section.

(e) “Uniform Code” shall mean the 19 NYCRR Chapter XXXIII, Subchapter A- State Uniform Fire Prevention and Building Code.

(f) Potable water shall mean water used for human consumption, food preparation, handwashing, culinary, bathing or laundry purposes.

(g) A camp trip shall mean times when campers and staff are off camp property, except camp trips shall not include travel off camp property for medical or dental appointments, or travel to a store to purchase personal items, by a group of 5 or fewer campers accompanied by staff.

(h) A wilderness swimming site shall mean a remote beach site which is established for temporary use by a children’s camp for the purpose of swimming at a location that is not readily accessible for inspection by the camp’s permit issuing official.

(i) Incidental water immersion shall mean intentional entry into a body of water for a purpose, other than swimming, which is ancillary to the primary activity being conducted. Such immersion including partial immersion shall include but not be limited to stream crossing or entering water for personal hygiene, but shall exclude boating, water skiing, sail boarding and similar water sports where participants wear U.S. Coast Guard approved lifejackets.

(j) Aquatic amusement park activities shall include but not be limited to lazy rivers, activity pools, wave pools and water slides where patrons are partially or totally immersed in water.

(k) Adequate shall mean sufficient to accomplish the purpose for which something is intended and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of this Subpart.

(l) Nonpassive recreational activities with significant risk of injury are those that pose a significant risk of traumatic brain injury, injury to neck or spine, bone fractures or dislocations, lacerations requiring treatment to close, second or third degree burns to 5% or more of the body, loss of vision, or death. These may include diving, boating, horseback riding, rock climbing, shooting sports and other activities determined by the State Department of Health based on such characteristics as height, speed, water depth,

physical contact with another participant or object, and/or use of equipment associated with the activity.

(m) Acceptable training in first aid shall mean certification in a first aid training program determined by the State Department of Health to provide the knowledge and skills necessary to sustain life from injury and sudden illness, which are likely to occur at children's camps. A training program shall include but not be limited to instruction about traumatic brain injury, injury to the neck or spine, bone fractures and dislocations, lacerations, burns; injury to the eye, and medical emergencies such as allergic reactions, seizures, strokes, shock, cardiac and diabetic emergencies, poisoning and heat related illness. A sufficient time shall be provided to cover all topics. First aid certificates shall be valid as specified by the provider, but shall not exceed three years from the date of course completion.

(n) Acceptable training in cardiopulmonary resuscitation (CPR) shall mean a CPR training program determined by the State Department of Health to provide an adequate level of knowledge and skills necessary to perform two rescuer CPR skills for all ages (infant, child, and adult). A sufficient time shall be provided to cover all topics. CPR certificates shall be valid as specified by the provider, but shall not exceed one year from the date of course completion.

7-2.3 Application.

(a) The requirements of this Subpart shall apply to a camp occupied by or maintained for occupancy by 10 or more children except:

(1) any place occupied by children under 18 years of age for overnight occupancy of 72 consecutive hours or less;

(2) day camps operating less than all or part of five days in any two-week period;

(3) child care facilities licensed or registered by the New York State Department of Family Assistance, Office of Children and Family Services;

(4) activities at unscheduled or drop in neighborhood center settings; single purpose activity such as athletic events, which are held for the sole purpose of tournament play or competition, and associated training practice, "Special Olympics," little league baseball, Pop Warner football; and recreational activity without a specified time period of attendance required;

(5) college level educational programs provided by schools that are accredited by the Regents of the University of the State of New York;

(6) school districts, Boards of Cooperative Educational Services (BOCES) or nonpublic schools providing instruction to satisfy, enrich, accelerate or improve skills in accordance with New York State education requirements;

(7) day programs conducted for the purpose of classroom educational instruction, including but not limited to traditional academic subjects, religious instruction, and computer training, that have one or more nonpassive recreational activities with significant risk of injury when such activities are conducted as part of a one hour or less recess period constituting no more than one fifth of the program's daily operation, and which occur on a playground, in a gymnasium, or similar setting; and

(8) any operation or use of a tract of land or property determined by the State Commissioner of Health as not being within the intent of, or regulated by this Subpart.

7-2.4 Permit.

(a) No person shall operate a children's camp, or cause or allow the same to be operated, without a permit from the permit-issuing official.

(b) The permit-issuing official is the State Health Commissioner or his designee and those persons defined as officers in subdivision 4 of section 1392 of the Public Health Law.

(c) Application for a permit to operate a children's camp shall be made by the operator to the permit-issuing official at least 60 days before the first day of operation. Such applications shall:

(1) include a written camp safety plan, as defined in subdivision 7-2.5(n) of this Subpart, which accurately describes the camp's medical, fire safety and general safety provisions, training provided to camp staff and the orientation for campers. The plan must be reviewed annually by the camp operator and updated as required to maintain compliance with current standards. Plans that are updated must be submitted to the permit-issuing official. In any year in which an update is not required, the camp operator must submit written affirmation to the permit-issuing official that the approved plan remains up-to-date and complete;

(2) be filed when the name, ownership or operator of the camp is changed.

(d) The permit-issuing official shall issue a permit if the children's camp conforms or will conform at the time of operation to the requirements of this Subpart and will not present a danger to the health and safety of the camp occupants. An applicant's past history of compliance or non-compliance will be a consideration in evaluating each of the previously mentioned criteria. The person to whom the permit is issued shall comply with this Subpart and with all conditions stated in the permit and shall allow the permit-issuing official or his representative to enter the premises to ascertain compliance. The permit-issuing official may, at his discretion, deem either of the following an inspection of the facility to ascertain that the camp conforms or will conform with the requirements of this Subpart at the time of operation:

(1) the permit-issuing official or his representative has inspected the facility and determined that it conforms or will conform with the requirements of this Subpart; or

(2) the camp meets the following conditions:

(i) the permit-issuing official has determined it has previously operated in a manner sufficient to assure that no unreasonable risk to the health and safety of the camp attendees occurred; and

(ii) the operator has submitted a completed and certified self-inspection of the camp as directed by the State Health Commissioner.

(e) Effective until March 31, 2011, the fee for a permit is \$100. Municipal operations and organizations for charitable, philanthropic or religious purposes are exempt from this fee.

Effective April 1, 2011, the fee for a permit is \$200. Municipal operations and organizations for charitable, philanthropic or religious purposes are exempt from this fee.

(f) A permit shall not be transferable or assignable. It shall be posted in a conspicuous place on the premises.

(g) A permit may be denied, revoked or suspended by the permit-issuing official or the State Commissioner of Health if the children's camp is maintained, operated or occupied in violation of the Public Health Law or this Chapter. Before denial, suspension or revocation of a permit, or after receipt of a notice of violation, the permittee shall have the right to appeal to the permit-issuing official, except that when a public health hazard exists, a permit may be

temporarily suspended pending a hearing. A permit will also be revoked upon request of the operator or upon abandonment of the camp. Following the revocation, an application shall be filed for a new permit before resumption of operation.

(h) A permit shall expire one year from the date of issuance, at the close of a camp's normal operating season, upon a change of the operator, a date stipulated by the permit-issuing official, or upon revocation. No permit shall expire during the camping period except by revocation.

(i) A separate permit shall not be required for a bathing beach, swimming pool or food service operated as part of a children's camp for which a permit is required under this Subpart.

7-2.5 Personnel, supervision, and camp safety plan.

(a) Each children's camp shall have a camp director, who may also be the camp operator, responsible for supervising the camp program. Minimum qualifications shall be:

(1) bachelor's degree, or at least 25 years of age for an overnight camp and 21 years for a summer day or traveling summer day camp;

(2) at least 24 weeks of previous administrative or supervisory experience in camping or equivalent experience acceptable to the State Commissioner of Health;

(3) a notification from the Department of Social Services State Central Register of Abuse and Maltreatment that the director has not been subject of an investigation report; and

(4) the submission of a form entitled Prospective Children's Camp Director Certified Statement Relative to the Conviction of a Crime or the Existence of a Pending Criminal Action, as developed by the Commissioner, and a determination by the local permit-issuing official that the camp director has no criminal conviction record for which:

(i) there is a direct relationship between one or more of the criminal offenses and the applicant's employment as a camp director; and

(ii) employment as a camp director would involve an unreasonable risk to the property or to the safety or welfare of camp participants or the general public.

(b) Counselors shall be at least 18 years of age at a children's overnight camp, and at least 16 years of age at a summer day or traveling summer day camp, and may include both specialty and general counselors. In addition, the counselor shall either have experience in camping and supervision of children, or have completed a training course acceptable to the permit-issuing official. It shall be the responsibility of the camp operator to verify a prospective counselor's background and character through reasonable and diligent inquiries, including but not limited to character references submitted.

(1) During passive activities the ratio of counselors to campers shall be no greater than 1:25. A passive activity is defined as an activity which takes place in a defined area, where participants are spectators or have limited mobility and use no tools or equipment (other than computers). Examples of passive activities include, but are not limited to: religious instruction, storytelling, coloring, viewing movies or drama, singing and board games. The camp's passive activities must be described in the camp's approved safety plan. Supervision ratios must be reinstated to the code required level at the conclusion of the passive activity.

(c) At an overnight camp, unless specified otherwise in section 7-2.11 of this Subpart for specialty activities and trips, the ratio of counselors to children eight years of age and over shall be 1:10; for children younger than eight years of age, the ratio shall be 1:8; a maximum of 20 percent of the total required counselors may be 17 years of age.

(1) During the hours campers are resting or sleeping, the supervision ratio may be modified based on the arrangement, size, and location of the sleeping area(s) and potential for visual and/or verbal supervision, to a level accepted by the permit-issuing official and described in the camp's approved safety plan; provided in all circumstances that:

(i) supervision is adequate to protect the campers from any unreasonable risk to their health or safety; and

(ii) at least one counselor is present on every level used for resting or sleeping in a multi-story building. Supervision ratios must be reinstated to the code required level at the conclusion of the resting or sleeping period.

(d) At a summer day or traveling summer day camp, the general ratio of counselors to children shall be 1:12. Counselor-to-camper

ratios as indicated in section 7-2.11 of this Subpart for specialty activities and trips must be met at all times during such specialty activities. The permit-issuing official may be more restrictive in specifying counselor-to-camper ratios if such official deems it reasonable and necessary for camper safety.

(e) Camp aquatics director – A camp aquatics director shall oversee all swimming activities that occur at swimming pools and bathing beaches operated as part of a children’s camp. This person shall supervise lifeguards, progressive swimming instructors, and counselors with bather supervision responsibilities during swimming activities; and implement the camp safety plan. The camp aquatics director shall:

- (1) be at least 21 years of age;
- (2) have a minimum of:
 - (i) one season of previous experience as a camp aquatics director at a New York State children’s camp; or
 - (ii) two seasons of previous experience consisting cumulatively of at least 12 weeks as a children’s camp lifeguard, as specified in subdivision (g) of this section, at a swimming pool or bathing beach which had more than one lifeguard supervising it at a time; or
 - (iii) at least 18 weeks of previous experience as a lifeguard, as specified in paragraph (g)(2) of this section, at a swimming pool or bathing beach which had more than one lifeguard supervising it at a time;
- (3) effective until December 31, 2011 possess current certification:
 - (i) as a progressive swimming instructor, as defined in subdivision (f) of this section; or
 - (ii) as a qualified lifeguard, as defined in subdivision (g) of this section, possessing lifeguard certification specific to the type of bathing facility at the children’s camp; or
 - (iii) in a training course for lifeguard supervision and management that meets the requirements specified in Part 6 Section 6-1.31(e) or Section 6-2.20(e) of this title.
- (4) effective January 1, 2012 have successfully completed a training course in lifeguard supervision and management that meets the requirements specified in Part 6 Section 6-1.31(e) or Section 6-2.20(e) of this title;

(5) have annually reviewed and documented the review of the camp’s safety plan for swimming; and

(6) possess a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart.

(f) Progressive swimming instructor – As described in the camp’s approved safety plan, a progressive swimming instructor must assess the swimming ability of each camper prior to allowing the child to participate in aquatic activities. A progressive swimming instructor must be either:

(1) a Water Safety Instructor currently certified by the ARC; or

(2) possess a current certificate issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of similar training.

(g) Qualified lifeguard - Qualified lifeguards shall actively supervise participants in the camp’s aquatic activities, as detailed in the camp’s approved safety plan. While on duty at the waterfront, qualified lifeguards shall not be engaged in duties or activities which distract them from the direct supervision of the waterfront. A qualified lifeguard shall:

(1) be at least 17 years of age, except:

(i) for a maximum of 50 percent of the required total number of lifeguards on duty who may be at least 16 years of age; and

(ii) lifeguards required for wilderness swimming who must be at least 18 years of age; and

(2) meet lifeguarding, first aid and CPR certification requirements as detailed in Part 6 of this Title:

Bathing Facility Type Minimum Lifeguard Supervision Level

Ocean Surf	Supervision Level I
Pool Only	Supervision Level IIa
Pool and/or Beach	Supervision Level IIb

(h) Trip leader – A trip leader shall be at least 18 years of age and have participated in at least three camp trips in a similar program activity as a children’s camp staff member or have experience and training in the activity which the permit-issuing official has

determined to be equivalent to three camp trips. Trip leaders for wilderness, equestrian, boating and similar specialized activities shall be competent in the activity. A trip leader of a camp trip with an itinerary that includes an activity where emergency medical care is not readily available and/or an activity such as wilderness hiking, camping, rock climbing, horseback riding, bicycling, swimming and/or boating, shall possess or be accompanied by staff who possesses a current certificate in an acceptable first aid training program as defined in subdivision 7-2.2(m) of this Subpart, and a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart.

(i) Activity leader – An activity leader shall be competent in the activity being conducted. Activity leaders of an activity that includes wilderness hiking, camping, rock climbing, horseback riding, bicycling, swimming and/or boating shall be at least 18 years of age. When a camp activity is conducted at a location where the camp staff certified in first aid and CPR in accordance with Subdivision 7-2.8(a) are not readily available, an activity leader shall possess or be accompanied by staff who possesses a current certificate in an acceptable first aid training program as defined in subdivision 7-2.2(m) of this Subpart, and a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart.

(j) Riflery instructors shall have a current Instructor's certificate issued by the National Rifle Association or its equivalent generally accepted as providing a similar or equivalent level of riflery skill.

(k) Counselor-in-training (CIT) – A CIT or Junior Counselor is a camper who is assigned to an on-duty counselor or other staff member to assist, as described in the camp's approved safety plan, in performing specific duties. A CIT may not independently supervise campers, and shall be supervised as a camper. All CITs shall receive training specific to their duties, and camper orientation. A maximum of 10 percent of the total number of counselors required by subdivisions (c) and (d) of this section may be CITs, provided:

- (1) CITs at a children's overnight camp are at least 16 years of age and have at least two seasons prior experience as a camper; and
- (2) CITs at a summer day or traveling summer day camp are at least 15 years of age and have at least two seasons prior experience as a camper.

(l) Records identifying staff qualifications shall be maintained in the camp for inspection by the permit-issuing official or his designated representative. The camp operator shall ascertain whether an employee or volunteer is listed on the New York State Division of Criminal Justice Services (DCJS) Sex Offender Registry prior to the day such employee or volunteer commences work at camp and annually thereafter prior to their arrival at camp. A written record of the employee and volunteer names that were submitted to the DCJS for checking against the Sex Offender Registry and DCJS's search results shall be kept on file at the site and made available to the permit-issuing official upon request.

(m) No individual known to be a carrier of a communicable disease shall be employed at a children's camp.

(n) Camp safety plan – The camp operator must develop, review annually and update, as required, a written camp safety plan, which shall be submitted for review and approval to the permit-issuing official as described in paragraph 7-2.4(c)(1) of this Subpart. A camp safety plan shall be considered satisfactory for approval when it is found to include all the information required in this section and accurately reflects the children's camp's compliance with this Subpart. The camp's approved safety plan shall be implemented by the camp operator and kept on file at the children's camp. The camp safety plan shall consist of, at a minimum, a table of contents and the following components:

(1) Personnel: chain of command; staff job descriptions; and a procedure for verification of staff qualifications;

(2) Facility operation and maintenance: water supply; sewage treatment system; lightning risk assessment; transportation; housing; grounds; food protection; and waterfront physical facility maintenance (if on-site aquatic activities are provided);

(3) Fire safety: evacuation of buildings and property, assembly, supervision, and accounting for campers and staff; fire prevention; coordination with local fire officials; fire alarm and detection systems and their operation, maintenance, and routine testing; type, location and maintenance of fire extinguishers; inspection and maintenance of exits; required fire drills and log; electrical safety; and reporting to the permit-issuing official within 24 hours fires which destroy or damage any camp building, or which result in notification of the fire department, or are life or health threatening. A copy of this segment of the approved camp safety plan must be submitted to the local fire district or department;

(4) Medical requirements: review of camper confidential medical histories to address restrictions and special needs; initial health screening of campers; daily health surveillance of campers; procedures for providing basic first aid, handling medical emergencies, including outbreaks and procedures for response to allegations of child abuse; identification of and provisions for medical, nursing and emergency medical services; identity, qualifications and outline of duties of health director and health personnel certified in first aid and CPR; description of health center; storage and administration of medicines; location and use of first aid and CPR supplies; maintenance of a medical log; description of universal precautions for bloodborne pathogens; reporting of illness and injuries, including camper abuse/allegations to the permit-issuing official within 24 hours; and provisions to supervise sanitation at the children's camp;

(5) General and activity specific safety: description of the required camper supervision, including general supervision, between activities, for passive activities, during sleeping and rest hours, transportation and for emergencies. Safety requirements and supervision must be discussed for specific camper activities, including but not limited to, swimming, boating, horseback riding, rope or challenge courses, archery, riflery, camp trips, wilderness activities and any activity in which incidental water immersion occurs;

(6) Staff training: training curriculum outline; tour of camp; description of camp hazards; chain of command; procedures for camper supervision and discipline; child abuse recognition and reporting; provisions for first aid and emergency medical assistance; reporting of camper injury and illness; buddy system; lost swimmer plan (if camp has an aquatics program); lost camper plan; lightning plan; fire safety and fire drills; camp evacuation procedures; activity specific training for assigned activities; camp trips (if provided); and process to document training attendance; and

(7) Camper orientation: orientation curriculum outline; tour of camp; description of camp hazards; reporting illness, injury and other incidents; buddy system; lost camper plan; fire drills and evacuation; lightning plan; camp trips; and process to document orientation attendance.

(o) The camp operator shall provide adequate supervision. Adequate supervision shall mean:

(1) supervision such that a camper is protected from any unreasonable risk to his or her health or safety, including physical or sexual abuse or any public health hazard; and

(2) as a minimum, there shall exist visual or verbal communications capabilities between camper and counselor during activities and a method of accounting for the camper's whereabouts at all times.

(p) The camp operator shall provide, with any enrollment application forms and/or enrollment contract forms mailed or delivered to a person for purposes of enrollment of a child for any children's camp, a written statement and/or brochure outlining the rights and responsibilities of campers and camp operators and declaring:

(1) that such camp is required to be permitted to operate by the New York State Department of Health;

(2) that such camp is required to be inspected twice yearly; and

(3) the address where inspection reports concerning such camps are filed.

7-2.6 Potable water.

(a) All on-site potable water supplies shall comply with the provisions of this section and, in addition, those on-site water systems meeting the definition of a public water system as defined in Subpart 5-1 of Part 5 of this Title, shall also comply with the requirements of Subpart 5-1.

(b) A children's camp that utilizes an off-site public water supply must comply with Subdivisions (i) through Subdivision (n) of this section and, when determined necessary to ensure the satisfactory quality of the potable water, the permit-issuing official may require a children's camp operator to implement the annual start-up procedure contain in Subdivision (d) of this section.

(c) Treatment

(1) Minimum treatment for a ground water source shall be disinfection by chlorination in a manner which destroys harmful microorganisms or other disinfection methods acceptable to the permit-issuing official.

(2) For facilities utilizing disinfection by chlorination, the free chlorine residual disinfection concentration in the water distribution system shall be at least 0.2 milligrams per liter (mg/l).

(3) Minimum treatment for surface water sources or ground water sources directly influenced by surface water shall be filtration and disinfection techniques, approved by the permit issuing official, capable of 99.9 percent removal and/or inactivation of giardia lamblia cysts and 99.99 percent removal and/or inactivation of viruses.

(4) A waiver from disinfection shall not be permitted.

(d) Annual start-up. The children's camp operator must ensure that the following actions have been taken 15 days prior to the property's occupancy for which the water supply is utilized each year. The following applies to each on-site potable water system that is not subject to continuous water use and to each children's camp potable water supply distribution system, which receives water from an off-site public water system and is not subject to continuous water use, when due to the seasonal use of the water system, the water may be hazardous to health:

(1) All water mains shall be disinfected by:

(i) completely filling the main to remove all air pockets, flushing the main to remove particulates, and filling the main with potable water. The potable water shall then be chlorinated by feeding liquid hypochlorite at a constant rate such that the water will not have less than a 25 mg/l free chlorine residual throughout the children's camp water system. After a 24-hour holding period there must be a free chlorine residual of not less than 10 mg/l throughout the children's camp water system; or

(ii) using a disinfection method the State Commissioner of Health has determined in writing to be as protective as the disinfection procedure described in section 7-2.6(d)(1)(i).

(2) All water mains shall be flushed and free chlorine residual disinfection concentrations shall be measured for the two days immediately following the completion of the main disinfection, as prescribed in Subdivision (d)(1) of this section, at representative points in the distribution system, to ensure chlorine residuals of not less than 0.2 mg/l.

(3) Total Coliform samples shall be collected in accordance with Subdivision (f)(1) of this section following the two day flushing and chlorine monitoring period prescribed by Subdivision (d)(2) of this section and when a free chlorine residual of not more than 4.0 mg/l is present.

(e) Maximum contaminant levels (MCL):

Contaminant	MCL
Total Coliform Escherichia Coli (E. Coli)	Any positive sample Any positive sample
Nitrate Nitrite Total Nitrate and Nitrite	10 (as Nitrogen) mg/L 1 (as Nitrogen) mg/L 10 (as Nitrogen)mg/L

(f) Monitoring requirements. Samples shall be collected from each water source at a representative point in the distribution system for each source and analyzed at a laboratory certified by New York State Department of Health as follows:

- (1) At least one sample collected for Total Coliform analysis from each water source prior to opening for the operating season and at least one additional sample collected from each water source during the operating season. For those children's camps operating more than 30 days in a calendar year, Total Coliform samples shall be collected for each month the camp is in operation. When a water supply serving a children's camp is operated continuously year round with Total Coliform analysis performed monthly, the Total Coliform analysis prior to the children's camp's operation is not required.
- (2) Nitrate and nitrite analysis shall be conducted for new water sources. Nitrate analysis shall be conducted annually for each system.
- (3) Additional monitoring may be required when determined by the permit-issuing official as necessary to evaluate water quality.
- (4) The camp operator must report sample results that are positive for Total Coliform or Escherichia Coli to the permit-issuing official as soon as possible but no later than 24 hours of being notified by the laboratory. Pre-operational water analysis reports must be submitted to the permit-issuing official prior to permit issuance. All other water analysis reports required to be made by this Subpart or requested or ordered by the permit-issuing official shall be submitted to the permit-issuing official within 10 days of the end of each month in which samples were collected.

(g) Report on water treatment. Accurate and complete water treatment operation reports shall be maintained daily and

submitted to the permit-issuing official within 10 days of the end of each month of operation. Reports must be made on forms provided or approved by the Department.

(h) Source protection. All potable water sources and distribution systems shall be designed, located, constructed and maintained to provide protection against contamination or pollution. All pumps, piping fixtures and appurtenances shall be installed and maintained to protect against contamination of any water source.

(i) Submission of plans; prior approval.

(1) A plan for proposed new or modified potable water supply systems shall be submitted to the permit-issuing official at least 60 days prior to beginning construction. No construction of new or modified potable water supply systems shall commence until plans and specifications have been submitted to and approved by the permit-issuing official. Construction shall be in accordance with the approved plans.

(2) Recommended Standards for Water Works, (See Appendix 5-A, *infra*) 1997 edition published by Health Research, Inc., P.O. Box 7126, Albany, NY 12224 available for public inspection at the offices of the records access officer of the New York State Department of Health, Empire State Plaza, Corning Tower, Albany, NY 12237, shall, in their entirety, be the basis on which all plans and specifications for children's camp water systems will be reviewed and approved. The permit-issuing official may allow deviations from these standards when it can be shown that the deviations will provide adequate protection of the health and safety of the children's camp occupants and public.

(j) Minimum standards. Potable water shall be adequate in quantity and quality as set forth in this Subpart and shall be readily available to occupants of the children's camp. Only potable water shall be easily accessible. Any non-potable water supply shall be conspicuously labeled as a non-potable supply.

(k) Connections prohibited. There shall be no physical connection between the potable water supply and any non-potable water supply. Any fixture, installation or equipment which is subject to back-siphonage shall be installed and maintained to protect against contamination of the water source(s).

(l) A minimum pressure of 20 pounds per square inch, at peak demand, shall be maintained in all parts of the children's camp water distribution system.

(m) Interruptions, changes in sources or treatments. Any incident or condition which affects the quantity or quality of the on-site potable water supply shall be reported to the permit-issuing official within 24 hours of occurrence. There shall be no changes made to the source or method of treatment of a potable water supply, either temporary or permanent, without first receiving approval from the permit-issuing official. An adequate supply of potable water must be provided and maintained during all times of operation.

(n) A common drinking utensil shall not be provided. Drinking fountains shall be of sanitary design and construction.

7-2.7 Sewage disposal.

(a) Sewage shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

(b) Facilities shall be provided and maintained for the treatment and/or disposal of sewage in a manner acceptable to the permit-issuing official. A plan or sketch of the proposed or modified facility shall be submitted to the permit-issuing official at least 30 days prior to construction; no work is to start until the plan or sketch is approved.

(c) Sewage on the surface of the ground or accessible to children is prohibited.

7-2.8 Medical requirements.

(a) Health personnel - The camp operator shall submit the name of the designated camp health director to supervise health and sanitation. Such director may be a physician, nurse practitioner, physician assistant, registered nurse, licensed practical nurse, emergency medical technician, or other person acceptable to the permit-issuing official. At a children's overnight camp, the camp health director shall be on-site. At a summer day camp or traveling summer day camp, the camp health director shall be available as specified in the camp's approved safety plan. If not on-site, the camp health director shall designate an assistant as specified in the camp's approved safety plan.

(1) Camp health director - The camp health director or designee(s) shall possess:

(i) a current certificate in an acceptable first aid training program as defined in subdivision 7-2.2(m) of this Subpart; and

(ii) a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart.

(2) Additional First Aid and CPR Certified Staff - First aid and CPR certified staff shall be on-site to respond to medical emergencies and assist the camp health director, as detailed in the camp's approved safety plan. Staff possessing current certifications in first aid and CPR, as described in paragraph (1) of this subdivision, shall be available as follows:

(i) At a children's overnight camp, in addition to the camp health director or (designee(s)) possessing these certifications:

(a) one staff member for each 200 campers shall possess a current first aid certificate, and

(b) one staff member for each 200 campers shall possess a current CPR certificate. Where a camp's qualified aquatics staff remain on-site and are available to respond to emergencies, they may be counted toward meeting this CPR requirement;

(ii) At a summer day camp or a traveling summer day camp:

(a) one on-site staff member for each 200 campers shall possess a current first aid certificate. The first aid certified camp health director or designee may be counted toward meeting this first aid requirement. If only one first aid certified staff member is required, and this person is absent, a similarly certified first aid certified staff member shall be on-site to meet this first aid requirement.

(b) In addition to the camp health director or designee, one staff member for each 200 campers shall possess a current CPR certificate. Where a camp's qualified aquatics staff remain on-site and are available to respond to emergencies, they may be counted toward meeting this CPR requirement.

(b) An overnight camp shall be provided with an infirmary having hot and cold flowing water, examining room, isolation and convalescent space, bathroom with flush toilets and showers and medical supplies or have alternate provisions for infirmary services included in the camp safety plan. Summer day camps and children's travel summer day camps shall provide a holding area reasonably satisfactory to the permit-issuing official for all ill or injured children.

(c) (1) A current confidential medical history, including the child's immunization record which shall include immunization dates against diphtheria, haemophilus influenza type b, hepatitis b, measles, mumps, poliomyelitis, rubella, tetanus and varicella (chicken pox), shall be kept on file for every camper and updated annually. The camper's and staff's family or other responsible person's name, address and telephone to contact during an emergency shall be kept on file.

(2) An overnight camp shall provide parents/guardians of campers attending camp for seven or more consecutive nights with written information about meningococcal meningitis and with a copy of an immunization response form that has been approved by the State Commissioner of Health.

(i) The written information must include:

(a) a description of meningococcal meningitis and means of transmission;

(b) the benefits, risks and effectiveness of immunization; and

(c) the availability and estimated cost of immunization, including an indication of whether or not the camp offers meningococcal meningitis immunization services.

(ii) The immunization response form must be submitted annually, kept on file at camp, document that the parent/guardian has received and reviewed the meningococcal meningitis information and certifies that either:

(a) the camper has been immunized against meningococcal meningitis within the past ten years, or

(b) the parent or guardian understands the risk of meningococcal meningitis and the benefits of immunization, and has decided that the camper will not obtain immunization against meningococcal meningitis.

(d) All camper and staff injuries, illnesses and reportable diseases shall be reported to the camp health director and recorded in the medical log. All camper and staff injuries or illnesses which result in death or which require resuscitation, admission to a hospital or the administration of epinephrine, camper and staff exposures to animals potentially infected with rabies, camper injuries to the eye, head, neck or spine which require referral to a hospital or other facility for medical treatment, camper injuries where the victim

sustains second or third degree burns to five percent or more of the body, camper injuries which involve bone fractures or dislocations, camper lacerations requiring sutures, camper physical or sexual abuse allegations and all camper and staff illnesses suspected of being water-, food-, or air-borne, or spread by contact shall be reported within 24 hours to the permit-issuing official. Any camper or staff member suspected of having a communicable disease shall be suitably isolated.

7-2.9 Toilets, privies, lavatories, showers.

(a) No privy shall be located within 50 feet of any sleeping room, dining room, mess hall or kitchen.

(b) The following facilities shall be provided within 200 feet of the sleeping quarters:

(1) one toilet or privy seat for each 15 males or less, plus one urinal for each 30 males or less;

(2) one toilet or privy seat for each 15 females or less;

(3) at least one lavatory with water under pressure for each 20 occupants or less, or other handwashing facilities acceptable to the permit-issuing official.

(c) Showers with water under pressure heated to between 110 and 120 degrees Fahrenheit, and one shower head for each 20 occupants or less, shall be provided.

(d) At summer day and traveling summer day camps only, the availability and ratio of toilet or privy seats, urinals and lavatories per camper shall be reasonably satisfactory to the permit-issuing official. Showers are not required.

7-2.10 Transportation.

(a) Passengers shall only be transported in portions of vehicles that are designed for passenger occupancy. Transportation in the bed of a truck or trailer shall be prohibited.

(b) There shall be at least one counselor in any vehicle transporting children, who may also be the driver.

(c) Every vehicle used for transporting staff or campers shall have required registration and inspection stickers and be equipped with at least a first-aid kit, tools, fire extinguisher and flares or reflective triangles that are labeled with the Federal DOT symbol or

a statement that the device complies with all Federal Motor Vehicle Safety Standards

(d) The driver of any camp vehicle shall be at least 18 years old and possess a current driver's license.

(e) Seat belts shall be utilized by all passengers in vehicles so equipped.

(f) Occupancy of a vehicle shall be limited to its rated capacity.

7-2.11 Recreational safety.

(a) Swimming.

(1) Only locations approved by the permit-issuing official as part of the camp's safety plan can be used for swimming.

(2) Adequate light must be present to effectively supervise swimming activities. Swimming shall be prohibited between sunset and sunrise at wilderness swimming sites. Lighting for indoor and nighttime swimming pool use must comply with Subpart 6-1 of this Title.

(3) Swimming pools and bathing beaches operated as part of a children's camp shall comply with Part 6 of this Title, and the following:

(i) The swimming pool or bathing beach shall be directly supervised by a camp aquatics director.

(ii) Float lines shall be provided in accordance with Subpart 6-1 or Subpart 6-2 of this Title and the swimming area shall have at least non-swimmer and swimmer areas designated. Non-swimmers shall be confined to the area appropriate to their assessed swimming ability. Non-swimmers shall be conspicuously identified to be readily distinguishable from swimmers except where non-swimmers are restricted from entering the swimmer area by a physical barrier such as a swim crib or dock, or are in a separate pool only for non-swimmers. Non-swimmers shall be restricted to water less than chest deep, except:

(a) during learn-to-swim programs that use a supervision protocol determined by the State Commissioner of Health to protect a camper from injury or drowning; or

(b) when counselors are in the water and directly supervise a maximum of three non-swimmers in shallow water in the non-swimmer area.

(iii) Permanent swimming areas shall have supervised entrances and exits, lifeguard station providing an unobstructed view of the swimming area, and lifesaving equipment. Swimming pools shall be protected by fences; entrance gates shall be locked except during periods when a lifeguard is on duty.

(iv) A Buddy System and Board System of supervising and checking bathers must be described in the camp's approved safety plan and implemented. It must include, as a minimum:

(a) an accounting system which identifies each bather by name, the bather's swimming ability and the swim area to which the bather is assigned;

(b) a method of recording the entry to and exit from the swim area for each bather;

(c) the assignment of each bather to a buddy who must have the same level of swimming ability. If a non-swimmer is paired with a swimmer, both must remain in the non-swimmer area. One threesome is allowed per swim area. Buddies shall be instructed to notify the lifeguard when their partner is in distress or is missing; and

(d) that checks of the bathers are made at least every 15 minutes. These checks are referenced against the accounting system.

When children are unable to comprehend or implement the buddy system, another method which the permit-issuing official has determined provides an equivalent level of bather safety, supervision and accountability for these children may be substituted for the buddy system and board system. The method must be described in the camp's approved safety plan.

A "lost swimmer" plan, which details all procedures to be followed, including clearing the water, searching and supervising campers present, is required and must be included in the camp's approved safety plan. The lost swimmer plan shall be implemented whenever a buddy check fails to account for all bathers and anytime a bather is reported missing.

(v) All piers, floats, platforms, and decking shall be in good repair. Clearly visible depth and other markings shall be provided in accordance with Subpart 6-1 or Subpart 6-2 of this Title.

(vi) The minimum water depth for diving boards shall be in accordance with section 6-1.10(l) or section 6-2.19, item 4.8.2. Swimming pool diving boards installed since July 15, 1988, shall be constructed in accordance with section 6-1.29 item 5.6. For outdoor diving areas, the bottom shall be cleared of stumps, rocks and other obstacles. Diving boards shall be mounted on a firm foundation and the top surface shall be slip resistant.

(vii) There shall be one qualified lifeguard for every 25 bathers. Each lifeguard shall supervise no more than 3,400 square feet of pool surface area or 50 yards of shoreline at a bathing beach. At a beach where swimming or diving is permitted more than 150 feet from shore, lifesaving patrol boats or offshore lifesaving stations shall be provided.

(viii) The ratio of counselors to campers participating in activities that occur in the water shall be 1:10. For children younger than eight, the ratio shall be 1:8, except that when children are less than six years of age, the ratio shall be 1:6. Counselors shall be assigned to supervise campers and be located at the poolside, beachfront or in the water providing direct visual surveillance for such campers at all times.

(4) When swimming is conducted during camp trips including aquatic amusement park activities at a facility not owned or operated by the camp, each camper shall have a signed statement of permission to participate from a parent/guardian and the following shall be met:

(i) Except for wilderness sites, only those swimming pools and bathing beaches in New York State that have a valid permit to operate issued from the local health department having jurisdiction for the bathing facility, or those operated by a New York State Agency may be used.

(ii) Residential swimming pool use is prohibited.

(iii) A buddy system and board system of supervising bathers shall be implemented in accordance with section 7-2.11(a)(3)

(iv). All campers must have their swimming ability assessed by a progressive swimming instructor and the swimming area shall have at least non-swimmer and swimmer areas designated. Non-swimmers shall be confined to the area appropriate to their swimming ability. Non-swimmers shall be conspicuously identified to be readily distinguishable from swimmers except where non-swimmers are restricted

from entering the swimmer area by a physical barrier such as a swim crib or dock or are in a separate pool for only non-swimmers. Non-swimmers shall be restricted to water less than chest deep, except:

(a) during learn-to-swim programs that use a supervision protocol determined by the State Commissioner of Health to protect a camper from injury or drowning; or

(b) when counselors are in the water and directly supervise a maximum of three non-swimmers in shallow water in the non-swimmer area.

(iv) When a camp utilizes a pool, bathing beach or an aquatic amusement park activity where the facility provides aquatic supervisory staff level I, IIa or IIb in accordance with Part 6 of this Title, the camp shall provide one qualified lifeguard, or camp staff who possesses training in children's camp swimming program safety as specified in clause (a) of this subparagraph, for each 75 campers to supervise camper bathing activities and implement the camp safety plan. A camp supplied lifeguard, or a staff possessing training in children's camp swimming program safety, is not required for aquatic amusement park activities that allow only one or two patrons in the water at a time and the activity water depth does not exceed chest deep for non-swimmers.

(a) A training course will be determined to be acceptable if, after a review by the State Health Department, the materials and training program covering those items set forth below are determined to provide camp staff with adequate training to supervise a camp trip swimming activity.

(b) Training course certification shall be valid for the time period specified by the certifying agency, but may not exceed a consecutive three-year period from course completion.

(c) Training course materials shall be submitted for review by the course sponsor and shall include minimum instructor qualifications to demonstrate that instructors possess adequate experience and knowledge in children's camp swimming program safety to effectively communicate the subject matter of this section:

(1) Injury Prevention including Communicating and Enforcing Rules

(2) Bather Surveillance Systems for Children's Camps

(i) Classifying and Identifying Bather Swimming Abilities

(ii) Swimming Area Selection

(iii) Buddy System

(iv) Buddy Board/Accountability Systems

(3) Types of Emergencies and Emergency Action Plans (EAP)

(v) Pre-arrangement must be made with an off-site facility to ensure that the facility is capable of accommodating the additional bather load associated with the camp, to identify duties of the camp aquatic staff, and to determine whether or not the facility's lifeguards will be present.

(vi) Minimum counselor to camper ratio shall be 1:8 for campers 6 years of age and older and 1:6 for campers younger than 6 years of age. Counselors shall be assigned to supervise campers and be located at the poolside, beachfront or in the water providing direct visual surveillance for such campers at all times.

(vii) When the camp utilizes a facility that does not provide aquatic supervisory staff level I, IIa or IIb in accordance with Part 6 of this Title, the camp must provide one qualified lifeguard for every 25 bathers to directly supervise campers participating in bathing activities and to implement the camp safety plan. Each camp supplied lifeguard shall supervise no more than 3400 square feet of area at swimming pools or no more than 50 yards of shoreline at bathing beaches. Camper swimming is prohibited at a distance of more than 75 feet from shore at bathing beaches when the water depth exceeds chest deep of the shortest camper. When the water depth is less than chest deep of the shortest camper, swimming shall be restricted to no more than 150 feet from shore.

(5) When wilderness swimming is conducted, each participating camper shall have a signed statement of permission to participate from a parent/guardian, and section 7-2.11(a)(3)(iv) shall be complied with. In addition:

(i) The camp shall provide at least one qualified lifeguard per 25 bathers. A minimum of two staff members which includes the lifeguard shall possess a current certificate in an acceptable cardiopulmonary resuscitation (CPR) training program as defined in subdivision 7-2.2(n) of this Subpart.

Only staff who are determined by a Progressive Swimming Instructor to have a swimming ability equivalent to that of a swimmer's ability may supervise a wilderness swimming activity.

(ii) Minimum staff to camper ratio shall be 1:8 for campers 6 years of age and older and 1:6 for campers younger than 6 years of age. Counselors shall be assigned to supervise campers and be located at the waterfront providing direct visual surveillance for such campers at all times.

(iii) The swimming area shall be adequately marked to identify the perimeter. Water within the swimming area shall not exceed 5 feet in depth and swimming shall be restricted to an area which is no more than 50 yards of shoreline and 75 feet from shore. Water clarity shall be sufficient to see the bottom or to a minimum of 4 feet below the surface throughout the swimming area. The bottom slope of the swimming area shall not be steeper than 1:8 and the bottom shall contain no sharp drop-offs, jagged rocks or under water obstructions. Water currents shall not exceed 3 feet per second in the swimming area.

(iv) All campers must have their swimming ability assessed by a progressive swimming instructor and the swimming area shall have at least non-swimmer and swimmer areas designated. Non-swimmers shall be confined to the area appropriate to their assessed swimming ability. Non-swimmers shall be conspicuously identified to be readily distinguishable from swimmers and be restricted to water less than chest deep.

(v) Safety equipment. One rescue tube, rescue buoy or United States Coast Guard approved life jacket and a pocket face mask to assist with CPR shall be provided for each required lifeguard.

(vi) Safety rules. Head first diving shall be prohibited as shall jumping into the water from cliffs, trees, water flumes or rope swings.

(b) Riflery.

(1) Rifle ranges shall not endanger any person or persons in other activity areas; backstops shall be used to contain bullets within the range. Large warning signs atop the backstop, facing away from the firing line, shall be labeled “keep out.” A red firing flag shall be displayed when the range is in use.

(2) Rifle ranges shall be equipped with a firing line and a ready line; only those ready to fire shall be on the firing line. Those waiting to fire shall remain behind the ready line.

(3) The minimum age to participate in a riflery activity shall be in accordance with the Article 265 of the New York State Penal Law and specified in the camp safety plan. Campers shall be instructed in safe rifle range procedures before actual firing.

(4) Single-shot rifles, preferably with slings, shall be used. Persons shall stay behind the firing line at all times, except when ordered by the instructor to retrieve targets.

(5) The instructor shall be on the range at all times during firing sessions and shall be assisted by another counselor who may be trained by the instructor. One staff person shall supervise a maximum of 10 campers on the firing line.

(6) The instructor shall determine that rifles are clean and in good repair, supervise the storage of equipment and control its use by means of a check-out system. Guns and ammunition shall be stored, separately, in locked cabinets.

(c) Archery.

(1) The archery range shall not endanger any person or persons in other program activities and be clearly marked to warn passing campers away from the danger area. The shooting area shall have at least 50 yards of clearance or an archery net behind each target. Bowmen shall fire from a common firing line and a ready line shall be marked behind it.

(2) The bows and arrows shall be stored in a locked cabinet.

(3) An archery staff-camper ratio of one for every 10 campers on the firing line shall be maintained.

(4) All archery staff should possess training in archery.

(d) Horseback riding.

(1) A competent riding instructor shall determine each camper's riding experience and level of skill before assigning horses and deciding whether the camper rides in the ring or on the trail. One experienced instructor shall be assigned for every 10 riders for each trail excursion and a minimum of two staff persons shall accompany such excursion.

(2) Protective headgear containing a permanent label stating that it meets or exceeds the American Society for Testing and Materials standard ASTM F1163 shall be worn at all times.

(3) Children shall wear shoes with heels, or closed stirrups shall be used.

(e) Animals. No animals suspected of carrying a communicable disease shall be kept in camp. Animals kept in camp shall comply with the Environmental Conservation Law and with the Agriculture and Markets Law.

(f) Equipment.

(1) No personal weapons, bows, rifles or similar equipment shall be brought to camp without the camp operator's knowledge and permission. Such articles permitted in camp shall be kept in a locked cabinet by the operator and used only by the owner in accordance with camp safety regulations.

(2) All equipment shall be free of hazards, securely anchored where necessary, installed and used in accordance with manufacturer's instructions and inspected by the camp operator at frequent intervals for defects.

(g) On-site activities. An activity leader shall supervise each camp activity occurring on the camp's property. A minimum of one activity leader and one staff member shall supervise activities that occur at locations where additional camp staff assistance is not readily available. A minimum counselor-camper ratio of 1:8 shall be maintained for wilderness, equestrian, boating and similar specialized activities, unless the children are less than six years of age then the ratio shall be 1:6.

(h) Special Waterfront Activities.

(1) Practices and equipment including head protection for whitewater canoeing and personal flotation devices for specialty waterfront activities such as water skiing, scuba diving or whitewater canoeing shall be included in the approved camp safety plan.

(2) All motorized boats for use at camps shall: be registered with the Department of Motor Vehicles, display its registration number on its bow, and a current registration and inspection certificates shall be available for examination by the permit-issuing official. Procedures and conditions for the use of non-motorized boats shall be included in the required written camp safety plan. All boat occupants shall wear a United State Coast Guard-approved life jacket or vest. A lifeguard shall be present in any watercraft having a capacity of eight or more persons and carrying non-swimmers unless such watercraft is a public vessel as defined in section 2(6)(a) of the New York State Navigation Law.

(3) Boats may be used only by persons having permission of the camp aquatics director or camp director. Boats carrying passengers shall never be towed behind motorized or non-motorized boats. All boats are prohibited in the swimming area unless being used in rescue efforts by lifeguards.

(4) All specialized aquatic activities, such as canoeing, sailing waterskiing and scuba diving, conducted by the camp shall be under the leadership of a counselor trained in the specialty.

(i) Camp trips. A trip leader and at least one counselor must accompany all camp trips. A minimum counselor-camper ratio of 1:8 shall be maintained for swimming, wilderness, equestrian, boating and similar specialized trips, unless the children are less than six years of age then the ratio shall be 1:6. A minimum counselor-camper ratio of 1:12 shall be maintained when transporting campers via motor vehicles to a specific activity site. Staff supervising a camp trip must review the camp safety plan for each trip within 24 hours prior to departure except when the staff participated in an identical trip or in the pre-camp training within one week prior to the intended trip.

(j) Incidental Water Immersion. During a hike or other similar camp activity, entering a stream or other body of water for the purpose of crossing or for personal hygiene shall not be considered swimming. Procedures for incidental water immersion in water deeper than mid-calf of the shortest camper must be specified in the camp safety plan and approved by the permit-issuing official. Incidental water immersion shall be prohibited when the water's depth cannot be determined or when the water's depth or current does not ensure a safe crossing. A trip or activity leader shall be familiar with safe water flow characteristics and camp safety plan procedures for any body of water entered. Staff shall test the entire area in which incidental immersion will occur prior to campers entering the water.

7-2.12 Building construction.

(a) Notice of construction modification or conversion required. No person shall modify, develop or convert a property for use as a children's camp without first notifying the permit-issuing official at least 60 days before construction commences. The notices shall give the name and location of the property, a brief description of the facilities to be provided and the name, telephone number and mailing address of the person giving notice. The notice shall be supplemented by additional information including plans or sketches as requested by the permit-issuing official. Construction shall not start prior to the required approval of the plans or sketches by the permit-issuing official and other appropriate regulatory official.

(b) Requirement for new construction.

(1) Except as otherwise provided in paragraph (2) of this subdivision, all new construction including alterations, enlargements and improvements, shall be in accordance with the Uniform Code and the provisions of the State Environmental Quality Review Act. The building permit and certificate of occupancy as issued by the local code enforcement official should be readily available for review and submission to the permit-issuing official. A written statement signed by a registered architect or professional engineer certifying construction compliance with the Uniform Code shall be submitted to the permit-issuing official prior to occupancy of all new construction. For a summer camp cabin (as that term is defined in paragraph (3) of this subdivision), the written certification of compliance to be submitted to the permit-issuing official shall certify compliance with all applicable Uniform Code requirements other than the automatic sprinkler system requirements specified in subparagraph (i) of paragraph (2) of this subdivision.

(2) A summer camp cabin (as that term is defined in paragraph (3) of this subdivision) shall be exempt from the following Uniform Code requirements:

- (i) the automatic sprinkler system requirements, and
- (ii) the minimum floor area per occupant requirements

(3) For the purposes of this subdivision, the term "summer camp cabin" shall mean a sleeping quarter which:

- (i) is located in a children's overnight camp;

- (ii) has a sleeping capacity of fewer than twenty-five occupants with a total combined sleeping room floor area of 1200 square feet or less for all sleeping rooms;
- (iii) is one story;
- (iv) is used and occupied only between June 1 and September 14;
- (v) has no cooking facilities, no heating systems, and no solid fuel heating or burning systems;
- (vi) has only sleeping rooms (including the necessary area for storing occupant belongings) and bathrooms;
- (vii) has no interior corridors or separate common area rooms;
- (viii) has at least two exits per sleeping room which are remote from each other and which discharge directly to the building's exterior;
- (ix) has exit doors that open in the direction of, and are non-locking against egress; and
- (x) has smoke alarms in each sleeping room that are interconnected such that the activation of one alarm will activate all of the alarms in the cabin.

An existing structure that is altered, enlarged or otherwise improved shall not be deemed to be a summer camp cabin (and shall not be subject to the exceptions set forth in paragraph (2) of this subdivision) unless such structure, as so altered, enlarged or otherwise improved, satisfies all of the criteria set forth in this paragraph.

7-2.13 Location; grounds. A children's camp shall be so located that adequate surface drainage can be provided during the period of operation, and so that adequate soil and space will permit the installation and operation of a proper sewage disposal system and/or water system, unless other provisions are made acceptable to the permit-issuing official.

7-2.14 Housing maintenance. A building or structure of a children's camp shall be safe, adequate in size for its use, clean, and have watertight roof and sides. However, a lean-to or an open recreational facility, which excludes rain from occupied portions of the structure, may be used as a shelter.

7-2.15 Heat, light and ventilation.

(a) Windows, or skylights having a minimum total area within the casement of at least 8 percent of the floor area, shall be maintained in all occupied rooms; natural ventilation shall be provided through openable windows or other exterior openings which are equal in area to 4 percent or more of the floor area. Artificial in lieu of natural lighting, and mechanical ventilation, may be provided in toilet rooms and assembly space.

(b) Camps occupied between October 1 and May 1 shall have at least one building with heating facilities for emergency use. Unvented fossil fuel powered heaters are prohibited.

7-2.16 Sleeping quarters.

(a) Every bed, mattress and related sleeping accessories provided by the operator, shall be clean and in good condition at the time of issue; clean sheets and pillowcases shall be provided weekly. Laundry facilities shall be available when campers and staff provide their own linens.

(b) A minimum clear space of 27 inches above the sleeping surface of a bed, and six feet between heads of sleepers, shall be maintained; triple-decker beds are prohibited. Unobstructed space for aisles between beds and access to exits must be provided. Bunk beds shall be structurally sound. The upper bed of bunk beds must, by May 15, 2005, be provided with adequate guardrails.

(c) In sleeping quarters housing more than four persons, 40 square feet of floor area per occupant shall be provided, when single beds are provided. When double-deck bunk beds are provided, 30 square feet of floor area shall be provided for each occupant. Floor area includes space within the occupied structure to accommodate: the bed, storage for personal belongings, aisles and exitways, and associated assembly space. Space for toilets, lavatories and showers shall not be used to calculate a sleeping quarter's floor area. For structures built prior to 1975, the required minimum floor area for single beds is 36 square feet. Effective July 1, 2011, construction of sleeping quarters not meeting the definition of a summer camp cabin, as defined in section 7-2.12(b)(3) of this Subpart, 50 square feet of floor area per occupant shall be provided in each sleeping room.

(d) An undivided room shall not have more than 36 occupants.

(e) A sleeping room shall have a minimum clear height of five feet above the floor area, and at least 80 percent of the floor area shall have a continuous minimum clear height above it of seven feet.

The walls shall extend from the floor to the ceiling or roof, or to a minimum height of eight feet.

(f) At least one adult counselor shall be present during sleeping hours on every level of a building used for sleeping.

7-2.17 Electrical safety. All existing electrical service, wiring and fixtures shall be in good repair and safe condition.

7-2.18 Fire safety.

(a) Building Standards. All construction, equipment installation and fire safety practices required by this section shall be operated and maintained in accordance with the Uniform Code.

(b) Fire alarm systems and emergency procedures.

(1) Buildings used for sleeping by 50 or more persons, or buildings two stories or more in height used for sleeping, shall have a fire alarm system, that when activated sounds an alarm which can be heard throughout the camp. Buildings three stories or more in height used for sleeping shall be protected with an automatic fire detection system including smoke detectors installed in corridors, assembly areas, storage rooms, stairways and heat detection devices installed in kitchens.

(2) At least one single station smoke detection alarm device shall be installed on or near the ceiling in each sleeping unit. Battery operated devices are acceptable. Tents and lean-to's are not required to be equipped with these devices.

(3) Portable audible/visual smoke detectors shall be provided in all sleeping quarters occupied by visually or audibly impaired campers. Hard wiring of audible/visual detectors, into an existing fire alarm system shall be permitted in lieu of such portable detectors. Tents and lean-to's are not required to be equipped with these devices.

(4) Fire drills shall be held within the first 48 hours of each camping session and periodically thereafter in accordance with the camp safety plan. A log with drill dates and times must be maintained and verified by the camp director. It must be available for inspection at all times.

(5) The camp operator shall be responsible for the regular inspection of all fire protection facilities and equipment.

(c) Means of egress.

(1) The means of egress from all structures shall be maintained in an unobstructed, easily traveled condition at all times, and protected from hazardous areas such as heating plant, kitchen and flammable storage.

(2) Sleeping quarters with an occupancy of 15 or more persons shall be provided with at least two separate means of egress located as far apart as practical. Each door shall swing in the direction of egress. Windows in a sleeping quarter two stories or less in height may be substituted for one approved exit, provided the sill is not more than three feet above the floor and the drop from the windowsill to an unobstructed area on the ground is less than 14 feet.

(3) Two separate means of egress shall be provided from each floor of a multi-story building. In buildings constructed prior to September 1, 1978, dead-end corridors up to 35 feet in length are acceptable. An exitway shall lead to an outside exterior stairway or to an interior smoke-tight passageway having a minimum of three-quarter hour fire-resistant construction and leading to the outdoors at grade. Stairs extending beyond two occupied floors shall have a self-closing, tight door at each floor level.

(4) Except for an individual room, a door containing hardware and forming part of a means of egress shall be nonlocking against egress and operable with a single motion in the direction of egress. The use of hooks and eyes, bolts, bars and similar devices is prohibited; widths of exit doors shall be a minimum of 28 inches.

(5) All assemblage areas, including a recreation room, dining hall or chapel, shall have at least two means of egress acceptable to the permit-issuing official and doors shall comply with the requirements of Paragraph (4) of this subdivision.

(6) Exits from a room occupied by 15 or more persons, or exits not readily visible to the occupants, shall be identified by lighted exit signs, including directional signs where needed.

(7) Emergency lighting shall be provided for halls, stairways and exit signs where required by the permit-issuing official.

(d) Heating. Stoves or other heat sources, where provided, shall be installed and maintained in accordance with the manufacturer's instructions to avoid fire hazards and dangerous concentrations of fumes or gas. Water heaters shall not be installed in sleeping quarters.

(e) Other precautions.

(1) Containers of gasoline, kerosene and other flammable materials shall be labeled and stored in a separate locked and unoccupied building. Oil-based paints and thinners shall be stored in approved-type paint lockers or in a separate building.

(2) All tents shall be of the fiber-impregnated flame-retardant variety or equivalent.

(3) Fire extinguishers and other fire fighting equipment acceptable to the permit-issuing official shall be provided, inspected and tagged by the camp operator prior to the camp season. The equipment shall be maintained in operating condition at all times.

7-2.19 Food service.

(a) Kitchens, dining areas and food service shall comply with Part 14 of this Title.

(b) When food is provided by the camp, it shall be of sufficient quantity and quality for the nutritional needs of each child.

7-2.20 Hazardous materials. Agricultural, commercial or household pesticides and toxic chemicals shall be stored and/or used to cause no air, surface water or ground water pollution or be hazardous to the occupants of the camp. They shall be stored in their original containers in areas designated for such use.

7-2.21 Vector and vermin control. The premises are to be free of insect and rodent infestations that may cause a nuisance or health hazard. Bats shall be excluded from living areas of occupied buildings.

7-2.22 Weed control. Ragweed, poison ivy, poison oak, poison sumac and other noxious weeds shall be controlled to minimize contact by camp occupants.

7-2.23 Refuse storage and disposal.

(a) Refuse shall mean solid wastes.

(b) Facilities shall be provided and maintained for the storage, handling and disposal of refuse to prevent nuisance conditions, insect and rodent infestations and pollution of air and water.

7-2.24 Variance; waiver.

(a) Variance. In order to allow time to comply with certain provisions of this Subpart, an operator may submit a written request to the permit-issuing official for a variance from a specific provision(s) when the health and safety of the children attending the camp and the public will not be prejudiced by the variance, and where there are practical difficulties or unnecessary hardships in immediate compliance with the provision. An operator must meet all terms of an approved variance(s) including the effective date, the time period for which the variance is granted, the requirements being varied and any special conditions the permit-issuing official specifies. For any variance request relating to the requirements of section 7-2.25(b) of this Subpart, the permit-issuing official shall consult with and obtain approval from the State Department of Health, prior to granting or denying the variance.

(b) Waiver. In order to accept alternative arrangements that do not meet certain provisions of this Subpart but do protect the safety and health of the campers and the public, an operator may submit a written request to the permit-issuing official for a waiver from a specific provision of this Subpart. Such request shall indicate justification that circumstances exist that are beyond the control of the operator, compliance with the provision would present unnecessary hardship and that the public and camper health and safety will not be endangered by granting such a waiver. The permit-issuing official shall consult with a representative of the State Department of Health prior to granting or denying a waiver request. An operator must meet all terms of an approved waiver(s), including the condition that it will remain in effect indefinitely unless revoked by the permit-issuing official or the facility changes operators. For any waiver request relating to the requirements of section 7-2.25(b) of this Subpart, the permit-issuing official shall consult with and obtain approval from the State Department of Health, prior to granting or denying the waiver.

7-2.25 Additional requirements for camps enrolling campers with disabilities.

(a) Effective October 1, 2016, the following requirements shall apply to all camps enrolling a child with a physical or developmental disability, except that any Camp for Children with Developmental

Disabilities as defined in section 7-2.2 of this Subpart shall comply with this section upon the effective date of this Subpart:

(1) Personnel and Supervision.

(i) The ratio of counselors to campers who use a wheelchair, adaptive equipment or bracing to achieve ambulation, but who do not possess, for whatever reason, the ability to fit, secure or independently manipulate such devices satisfactorily to achieve ambulation, shall be 1:2.

(ii) Camp staff providing direct care of a camper with a disability shall be trained on the specific needs of the campers in their charge.

(2) Medical Requirements.

(i) A camp operator shall obtain existing individual treatment, care, and behavioral plans for campers with a disability. Camp staff shall implement adequate procedures to protect the health and safety of a camper based on the plan provided and, when necessary, in consultation with an individual's parent, guardian and/or clinical team.

(ii) The confidential medical history for a camper with a disability shall, in addition to the requirements of section 7-2.8(c)(1) of this Subpart, include:

(a) Any restrictions, allergies, medications, special dietary needs, and other pre-existing medical, physical or psychological conditions and illnesses.

(b) The camper's physician's name, address and telephone number.

(iii) Modified diets and other special needs related to a camper's disability shall be identified for each camper prior to arrival at camp, planned for, provided for in accordance with supplied directions, and reviewed by the designated camp health director.

(3) Recreational Safety.

(i) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be one counselor for each camper who is non-ambulatory or has a disability identified by the camper's parents, guardian, physician or residential care provider that may result in an increased risk of an emergency in the water, such as uncontrolled epilepsy.

(ii) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be one staff member for every five (5) campers with a developmental disability not designated in subparagraph (i) of this paragraph.

(iii) No camper with a developmental disability can participate in swimming activities unless a written permission statement signed by the camper's parent, guardian or residential care provider is on file at the camp.

(iv) The camp safety plan approved under section 7-2.5(n) of this Subpart shall contain a procedure to address the handling of seizures and aspiration of water for campers with developmental disabilities. All bathing beach and swimming pool staff shall be trained to implement the procedure prior to the date the camp begins operation. In-service training using this procedure shall be conducted and documented every two weeks after the commencement of the camp's operation or as otherwise approved by the permit-issuing official in the camp's safety plan.

(4) Toilets, privies, lavatories, showers. All lavatories and showers used by a camper with a physical disability shall be equipped with specialized fixtures, grab bars or other controls appropriate for the camper's disability. Lavatories and showers used by campers with physical, intellectual or developmental disabilities, who are unable to moderate water temperature safely, shall have a water temperature not greater than 110 degrees Fahrenheit.

(5) Sleeping Quarters.

(i) Buildings housing campers who are non-ambulatory or use a wheelchair shall have ramps constructed in accordance with the Uniform Code to facilitate access and egress.

(ii) Non-ambulatory campers shall not have their sleeping accommodations above the ground floor.

(6) Location; grounds. Exterior paths of travel shall be free of encumbrances and provide an appropriate surface for movement during inclement weather as appropriate for the camp population being served.

(b) Children's Camps for Children with Developmental Disabilities. In addition to the requirements listed in subdivision (a), the following requirements shall apply to all Children's Camps for Children with Developmental Disabilities, as defined as defined in section 7-2.2 of this Subpart:

(1) Definitions. The following definitions apply to this subdivision:

(i) Camp staff shall mean a director, operator, employee or volunteer of a children's camp; or a consultant, employee or volunteer of a corporation, partnership, organization or government entity which provides good or services to a children's camp pursuant to contract or other arrangement that permits such person to have regular or substantial contact with individuals who are cared for by the children's camp.

(ii) Department shall mean the New York State Department of Health.

(iii) Justice Center shall mean the Justice Center for the Protection of People with Special Needs, as established pursuant to section 551 of the Executive Law.

(iv) Reportable incidents shall include the following:

(a) Abuse and Neglect shall mean those actions by camp staff that satisfies the definitions of "physical abuse", "sexual abuse", "psychological abuse", "deliberate use of restraints", "use of aversive conditioning", "obstruction of reports of reportable incidents", "unlawful use or administration of controlled substance" and "neglect" all as defined in section 488 of Social Services Law.

(b) Significant Incident shall mean an incident, other than an incident of abuse or neglect as defined by subparagraph (a) of this section that because of its severity or the sensitivity of the situation may result in, or has the reasonably foreseeable potential to result in, harm to the health, safety, or welfare of a camper with a developmental disability. A significant incident shall include but not limited to: (1) conduct between campers with developmental disabilities that would constitute abuse, as defined in this Section, if it had been conducted by a camp staff member; or (2) conduct by a camp staff member which is inconsistent with the individual treatment plan for a camper with a developmental disability, generally accepted treatment practices and/or applicable federal or state laws, regulations or policies, and impairs or creates a reasonably foreseeable potential to impair the health, safety or welfare of a camper with a developmental disability. Such conduct shall include but is not limited to: actions incorporated within the definitions of "unauthorized seclusion," "unauthorized use of time-out," "administration

of a prescribed or over-the-counter medication, which is inconsistent with a prescription or order issued by a licensed, qualified health care practitioner, and which has an adverse effect,” and “inappropriate use of restraints,” as defined in section 488 of the Social Services Law.

(v) Personal Representative shall mean a camper’s parent, guardian, or person authorized under state, tribal, military or other applicable law to act on behalf of a camper with a developmental disability in making health care decisions.

(2) Personnel and Supervision.

(i) The camp director, who may also be the camp operator, shall possess a Bachelor’s Degree from an accredited program in the field of physical education, recreation, education, social work, psychology, rehabilitation or related human services fields and shall present evidence of specialized training or one year of experience in treating or working with individuals with a developmental disability.

(ii) A camp director does not have to meet the minimum requirements of paragraph (i) of this subdivision if:

(a) the individual was a camp director for a camp for children with developmental disabilities during each of the three camping seasons preceding the 1986 camping season;

(b) conditions at the camp did not threaten the health or safety of campers during that person’s tenure as camp director; and

(c) the individual otherwise meets the minimum qualifications for a camp director, as set forth in section 7-2.5 of this Subpart.

(iii) The camp director shall not be on the Justice Center Staff Exclusion List (SEL) consistent with paragraph 6 of subdivision b of this section.

(iv) The camp director shall develop a written staff training program appropriate to the specific needs of the campers with developmental disabilities enrolled in the camp.

(v) There shall be at least one counselor in addition to the driver in any vehicle transporting campers with developmental disabilities or as provided in the camp safety plan approved under section 7-2.5(n) of this Subpart.

(3) Medical Requirements. The camp health director shall be a physician, physician's assistant, registered nurse or licensed practical nurse and shall be on-site for the period the camp is in operation.

(4) Reporting. In addition to reporting incidents as required by Part 5 of this Title and by sections 7-2.8(d), 7-2.5(n)(3) and 7-2.6(f)(4) of this Subpart, all camp staff shall immediately report any reportable incident, as defined in section 7-2.25(b)(1)(iv) of this Subpart, involving a camper with a developmental disability, to the permit-issuing official and to the Justice Center's Vulnerable Person's Central Register (VPCR). Such report shall be provided in a form and manner as required by the Department and Justice Center.

(5) Immediate Protections and Notifications.

(i) Immediately upon notification of abuse, neglect or significant incident as defined by section 7-2.25(b)(1)(iv), the camp operator or designee shall ensure appropriate actions are taken to address the immediate physical and psychological needs of the camper(s), implement protections to ensure the safety and mitigate further risk to campers, and document such actions and implementations.

(ii) The camp director or designee shall notify a camper with a developmental disability and the camper's personal representative that the camper is an alleged victim or potential witness of an incident of abuse or neglect. Alleged victims shall be notified within 24 hours and potential witnesses shall be notified within 48 hours of the permit-issuing official reporting, to the camp director or designee, that an incident of abuse or neglect has been accepted by the Justice Center for investigation. There shall be no notification of a personal representative if the alleged victim or potential witness objects to such notification or if providing such notification would compromise the investigation, violate relevant confidentiality laws, be contrary to court order, or otherwise contrary to the best interests of the alleged victim or the potential witness.

(iii) Camp staff shall document in writing that notice was given or that a diligent effort to make such notification was made for each camper.

(6) Camp Staff Screening, Training, and Code of Conduct.

(i) Prior to hiring anyone who will or may have direct contact with campers, or approving credentials for any camp staff, the operator shall follow the procedures established by the Justice Center in regulations or policy, to verify that such person is not on the Justice Center's Staff Exclusion List (SEL) established pursuant to section 495 of the Social Services Law. If such person is not on the Justice Center's Staff Exclusion List (SEL), the operator shall also consult the Office of Children and Family Services State Central Registry of Child Abuse and Maltreatment as required by section 424-a of the Social Services Law. Such screening is in addition to the requirement that the operator similarly verify that a prospective camp staff is not on the sexual abuse registry, as required by section 7-2.5(l) of this Subpart.

(ii) A camp operator shall ensure that camp staff receive training regarding mandated reporting and their obligations as mandated reporters as defined by Article 11 of Social Services Law. A camp operator shall ensure that the telephone number for the Justice Center's VPCR hotline for the reporting of reportable incidents is conspicuously displayed in areas accessible to mandated reporters and campers.

(iii) The camp operator shall ensure that all camp staff are provided with a copy of the code of conduct established by the Justice Center pursuant to section 554 of Executive Law. Such code of conduct shall be provided at the time of initial employment, and at least annually thereafter during the term of employment. Receipt of the code of conduct shall be acknowledged and the recipient shall further acknowledge that he or she has read and understands such code of conduct.

(7) Disclosure of Information.

(i) Except to the extent otherwise prohibited by law, the camp operator shall be obliged to share information relevant to the investigation of any incident subject to the reporting requirements of this Subpart with the permit-issuing official, the Department, and the Justice Center. The permit-issuing official, the Department and the Justice Center shall, when required by law, or when so directed by the Department or the Justice Center and except as otherwise prohibited by law, be permitted to share information obtained in their respective investigations of incidents subject to the reporting requirements of section 7-2.25 (b)(4) of this Subpart.

(ii) Except as otherwise prohibited by law, the operator of a camp not otherwise subject to Article Six of the Public Officers Law shall make records available for public inspection and copying to the extent required by subdivision six of section 490 of the Social Services Law.

(8) Incident Management.

(i) The camp operator shall cooperate fully with the investigation of reportable incidents involving campers with developmental disabilities and shall provide all necessary information and access to conduct the investigation.

The camp operator shall promptly obtain an appropriate medical examination of a physically injured camper with a developmental disability. The camp operator shall provide information, whether obtained pursuant to the investigation or otherwise, to the Justice Center and permit-issuing official upon request, in the form and manner requested. Such information shall be provided in a timely manner so as to support completion of the investigation subject to the time limits set forth in this subdivision.

(ii) Unless delegated by the Justice Center to the Department, an allegation of abuse or neglect as defined in section 7-2.25(b)(1)(iv)(a) of this Subpart, shall be investigated by the Justice Center. With regard to an alleged significant incident, as defined in section 7-2.25(b)(1)(iv)(b) of this Subpart, the permit-issuing official shall initiate a prompt investigation of the allegation, unless the Justice Center agrees that it will undertake such investigation. An investigation conducted by the permit-issuing official shall commence no later than five business days after notification of such an incident. Additional time for completion of the investigation may be allowed, subject to the approval of the department, upon a showing of good cause for such extension. At a minimum, the investigation of any reportable incident shall comply with the following:

(a) Investigations shall include a review of medical records and reports, witness interviews and statements, expert assessments, and the collection of physical evidence, observations and information from care providers and any other information that is relevant to the incident. Interviews should be conducted by qualified, objective individuals in a private area which does not allow those not participating in the interview to overhear. Interviews must be conducted

of each party or witness individually, not in the presence of other parties or witnesses or under circumstances in which other parties or witnesses may perceive any aspect of the interview. The person alleging the incident, or who is the subject of the incident, must be offered the opportunity to give his/her version of the event. At least one of the persons conducting the interview must have an understanding of, and be able to accommodate, the unique needs or capabilities of the person being interviewed. The procedures required by this clause may be altered if, and only to the extent necessary to, comply with an applicable collective bargaining agreement.

(b) All evidence must be adequately protected and preserved.

(c) Any information, including but not limited to documents and other materials, obtained during or resulting from any investigation shall be kept confidential, except as otherwise permissible under law or regulation, including but not limited to Article 11 of the Social Services Law.

(d) Upon completion of the investigation, a written report shall be prepared which shall include all relevant findings and information obtained in the investigation and details of steps taken to investigate the incident. The results of the investigation shall be promptly reported to the department, if the investigation was not performed by the department.

(e) If any remedial action is necessary, the permit-issuing official shall establish a plan in writing with the camp operator. The plan shall indicate the camp operator's agreement to the remediation and identify a follow-up date and person responsible for monitoring the remedial action. The plan shall be provided, and any measures taken in response to such plan shall be reported to the department.

(f) The investigation and written report shall be completed and provided to the department within 45 days of when the incident was first reported to the Justice Center.

(iii) At the conclusion of an investigation of an alleged reportable incident, the camp operator shall:

(a) Assess the need for corrective actions;

(b) Report corrective actions plans to the permit-issuing official within 45 days of the conclusion of an investigation from the Justice Center or permit-issuing official; and

(c) Implement corrective actions identified by the camp, or required by the permit issuing official or the Justice Center. Corrective action plans shall be implemented as soon as possible but within ninety (90) days of the completion of an investigation unless the camp has closed for the season. If closed for the season, corrective action plans shall be implemented when the camp reopens.

(iv) Incident Review Committee.

(a) The camp shall maintain a facility incident review committee, in accordance with 14 NYCRR Part 704. The incident review committee shall be composed of members of the governing body of the children's camp and other persons identified by the camp operator, including some members of the following: camp administrative staff, direct support staff, licensed health care practitioners, service recipients, the permit-issuing official or designee and representatives of family, consumer and other advocacy organizations, but not the camp director. The camp operator shall convene a facility incident review committee to review the timeliness, thoroughness and appropriateness of the camp's responses to reportable incidents; recommend additional opportunities for improvement to the camp operator, if appropriate; review incident trends and patterns concerning reportable incidents; and make recommendations to the camp operator to assist in reducing reportable incidents. The facility incident review committee shall meet each year in which there is a reportable incident. When the incident review committee is responsible for approving or developing corrective action plans, the committee shall meet within 45 days of the conclusion of an investigation, unless an extension for such plans has been granted by the Justice Center.

(b) Pursuant to paragraph (f) of subdivision one of section 490 of the Social Services Law and 14 NYCRR Part 704, a camp operator may seek an exemption from the requirement to establish and maintain an incident review committee. In order to obtain an exemption, the

camp operator shall file an application with the permit-issuing official and provide sufficient documentation and information to demonstrate that compliance would present undue hardship, that granting an exemption would not create an undue risk of harm to campers' health and safety and specify an alternative process to ensure appropriate review and evaluation of reportable incidents. The permit-issuing official shall consult with the Department and shall not grant or deny an application for an exemption unless it first obtains department approval for the proposed decision. An operator shall meet all terms of an approved exemption(s). An exemption shall remain in effect until revoked by the permit-issuing official. A camp operator shall immediately notify the permit-issuing official when conditions, upon which the incident review committee exemption was granted, have changed.

(9) In addition to the requirements specified by subdivisions (d) and (g) of the section 7-2.4 of this Subpart, a permit may be denied, revoked, or suspended if the children's camp fails to comply with regulations, policies, or other requirements of the Justice Center. In considering whether to issue a permit to a children's camp, the permit-issuing official shall consider the children's camp's past and current compliance with the regulations, policies, or other requirements of the Justice Center.

