

Additional Requirements for Camps that Enroll a Camper with a Disability

Beginning October 1, 2016, the Department of Health will start to enforce new requirements for camps that enroll a single camper with a physical or developmental disability. Please note that these rules are intended to clarify (DOH's words) what, for the most part, is already expected of a camp under the Sanitary Code. The Department of Health will be issuing a fact sheet further explaining this regulation.

That said, camps' new obligations can be neatly divided into three categories: identification of disability and staff training; additional supervision; and physical accommodations.

Identification of Disability & Staff Training

In order for a camp to appropriately plan for and protect the health and safety of a camper with a disability, the operator of a camp must be aware of such camper's disability. Thus, the Department of Health requires a camp operator to obtain any relevant plan (treatment, care, behavioral – not an IEP) and identify any restriction or special need related to a camper's disability in order to train staff providing direct care on the needs of such camper. In addition to any plan, camps shall be required to obtain all confidential medical records which shall include all restrictions, allergies, medications, special dietary needs and other pre-existing conditions and illnesses of each camper with a disability. The contact information of a camper's physician or physicians shall also be included in such records.

Prior to arrival at camp, the health director shall have reviewed such medical records and plans, if applicable. The Department of Health has emphasized that the review of such plan and training of such staff does not require formal training or a strict adherence of such plan. The sanitary code only requires direct staff to have an understanding of a camper's disability and special needs. Further, the local health department will not review each plan and/or record. The scope of the local health department's inspection will be limited to checking for the existence of such plans and whether a camp maintains records demonstrating direct staff were trained on a camper's specific disability.

Similarly, prior to opening, all waterfront staff will be required to receive in-service training to handle the potential seizure and/or aspiration of water by campers with a disability. Such training shall be included in the camp safety plan and conducted and documented every two weeks after opening day or as otherwise approved by the local health department.

The obligation of a parent of a child with a disability to adequately disclose such disability in a timely manner is not addressed in the regulation. However, the Department of Health has indicated it will provide further explanation as to how such information will be provided to camps.

Additional Supervision

Camps enrolling a camper with a disability will be required to maintain greater camper to counselor ratios depending on the activity and disability. Campers who use a wheelchair, adaptive equipment, or bracing to move around (but do not have the ability to independently move) will now require a ratio of 1:2.

During waterfront activities, campers who are non-ambulatory or have a disability identified by a camper's parents which may increase the risk of a waterfront emergency (such as epilepsy) will now require a ratio of 1:1. Camps shall also be required to maintain a ratio of 1:5 for every five campers with a developmental disability, where such disability does not require a 1:1 ratio. However, campers requiring the abovementioned greater ratios, must provide written permission prior to participating in swimming activities.

Physical Accommodations

The Sanitary Code will now require certain accommodations be made for campers with disabilities. To be sure, local health departments will not be inspecting camps for ADA compliance. The Sanitary Code accommodations are limited to the facilities used by a camper with a disability.

Bathrooms and showers will require fixtures, grab bars or other controls for campers with a physical disability and water temperature must be limited to 110 degrees Fahrenheit for campers unable to moderate such temperature. Bunks, which house campers who are non-ambulatory, are required to have ramps constructed. Further, such campers must not be placed in a second story bunk. Finally, exterior paths must be reasonably clear of encumbrances and provide an appropriate surface for movement during inclement weather as appropriate for the camp population being served. Please note this last requirement regarding exterior paths is quite vague and does not refer to a specific disability, unlike other provisions requiring accommodations.

As always, please contact Malkin & Ross if you have any questions or concerns.