The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

250 Washington Street, Boston, MA 02108-4619



KATHLEEN E. WALSH

Secretary

ROBERT GOLDSTEIN, MD, PhD Commissioner

**Tel: 617-624-6000**

**www.mass.gov/dph**

MAURA T. HEALEY

Governor

KIMBERLEY DRISCOLL

Lieutenant Governor

To: Commissioner Robert Goldstein and Members of the Public Health Council

From: Nalina Narain, Bureau Director, Bureau of Environmental Health

Date: May 17, 2023

RE: Informational Briefing on Proposed Amendments to 105 CMR 430.000, *Minimum Standards for Recreational Camps for Children* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**I. Introduction**

The purpose of this memorandum is to provide the Public Health Council (PHC) with information about proposed amendments to 105 CMR 430.000, *Minimum Standards for Recreational Camps for Children.* This regulation ensures minimum housing, health, safety, and sanitary protection for children in the care of recreational camps operating in the Commonwealth and sets forth inspection, licensing, hearing and procedures to be followed in enforcement of the State Sanitary Code established under M.G.L. c. 111, § 127A.

In the FY21 budget, Barton Camps worked with state Senator Ryan Fattman to file an outside section which amended the Controlled Substances Act to require the Department to promulgate regulations to allow unlicensed individuals at medical specialty camps to administer diabetes medications.

In response to this statutory requirement, the Department proposes amendments to requirements for the administration of medication for diabetes care at medical specialty camps. The Department aims to meet this statutory requirement while also including appropriate clinical oversight and training to ensure the safety and well-being of campers. As such, these proposed changes allow the administration of insulin to be conducted by or under the direct supervision of a health care provider at the camp and include training requirements for unlicensed individuals authorized to administer medications at medical specialty camps. The Bureau of Health Professions Licensure also updated 105 CMR 700.00 regulations to require registration by medical specialty camps in order for unlicensed personnel to administer diabetes medication at camp.

In developing these proposed amendments, the Department solicited input and feedback from Barton Camps leadership, meeting with the team several times both before and after the statutory amendment was promulgated. This input was invaluable in developing the proposed language around clinical oversight and training requirements for medication administration by unlicensed individuals.

While reviewing the regulation for these statutorily required updates, the Department identified additional areas in need of update, included in the outline below.

**II. Summary of Proposed Changes**

*There are three major categories of proposed amendments:*

1. **Changes made pursuant to the statutory authorization for unlicensed individuals to administer insulin at medical specialty camps (105 CMR 430.159 and .160):**

In response to the statutory change to M.G.L. 94C pursuant to the FY21 Budget, these sections are amended to define individuals and staff authorized to administer insulin and other medications for diabetes care at medical specialty camps. Authorized individuals are 18 years of age or older who are:

* + A student nurse or a nursing school graduate who is not yet licensed;
	+ A staff person trained by the health care consultant to administer medications for diabetes care; or
	+ A Certified Diabetes Care and Education Specialist in good standing with the Certification Board for Diabetes Care and Education.

This language is taken from statutory language passed in the FY21 Budget[[1]](#footnote-1).

In addition, for medical specialty camps, changes include a requirement for the administration of medication for diabetes care to be conducted or be under the direct supervision of a health care supervisor who must be:

* A nurse licensed to practice in Massachusetts
* A physician licensed to practice in Massachusetts; or
* A physician assistant licensed to practice in Massachusetts

The proposed changes also clarify the registration requirements for medical specialty camps with the Bureau of Health Professions Licensure, pursuant to 105 CMR 700.

1. **Training and Parental Consent Requirements (105 CMR 430.160):**

The proposed amendments:

* Require informed consent from parents/guardians for unlicensed staff members in medical specialty camps to monitor a camper’s blood sugar and administer diabetes medications.
* Requires those unlicensed staff who are authorized to administer diabetes medication in medical specialty camps to:
	+ Be under the supervision of a health care supervisor, which for medical specialty camps is a health care provider listed in section .159(E); and
	+ Complete a training on administration that, at a minimum, includes content standards and a test of competency developed and approved by the Department.
1. **Supervision and operation of specialized high-risk activities (105 CMR 430.103):**

The proposed amendments:

* Clarify that an experienced water safety professional is at every camp providing on-site aquatics activities.
* Require that camps operating specialized high-risk activities out-of-state must comply with all local laws or regulations, including any licensure and permitting requirements.
* Clarify training and certification requirements for camp staff operating or supervising paddle sport and sailing or motor-powered watercraft activities
* Require camps offering on-site boating activities to develop a written boating safety plan.

**Miscellaneous and Technical Amendments:**

Additional minor and technical changes appear in numerous places throughout the regulation, including:

* Updates to existing language to identify childcare programs that are exempt from 105 CMR 430, including EEC licensed programs, if no specialized high-risk activities are offered (105 CMR 430.010)
* Updates to the hygiene supplies section to be consistent with other hand hygiene requirements throughout the State Sanitary Code (105 CMR 430.372)
* Updates to the approved trainings regarding CPR Certificates, Lifeguard, and First Aid Training (105 CMR 430.020)
* Requirement for camps to obtain written authorization for emergency medical care for adult staff/volunteers (105 CMR 430.150)
* Requirement for injury reports sent to the Department, as well as the Board of Health, to include injuries or incidents resulting from the administration of medications, including diabetes care (105 CMR 430.154)
* Language requiring health care providers or camp directors to comply with reporting requirements of M.G.L. c. 94C as well as 105 CMR 700, including reporting of any administration of prescription medication in a manner inconsistent with the individual’s prescription, or in violation of 105 CMR 700 (105 CMR 430.154)
* Updated disaster planning requirements to include written procedures for disease outbreaks (105 CMR 430.210)

**III. Next Steps**

The Department intends to conduct a public comment hearing and will then return to the PHC to report on testimony and any recommended changes to the proposed amendments. Following final approval by the PHC at a future meeting, the Department will file the final amendments with the Secretary of the Commonwealth.

The proposed amendments to 105 CMR 430.000 are attached to this memorandum.

1. [Section 90 of the FY2021 Budget, *Medical Specialty Camp Medication Administration*](https://budget.digital.mass.gov/summary/fy21/outside-section/section-90-medical-specialty-camp-medication-administration):Notwithstanding any general or special law to the contrary, the department of public health, pursuant to its authority under subsection (g) of section 7 of chapter 94C of the General Laws, shall promulgate regulations to allow: (i) student nurses and recently graduated student nurses, as included in the definition of "nurse" in section 1 of said chapter 94C; (ii) medical specialty camp staff trained under the supervision of a practitioner as defined in section 1 of said chapter 94C; and (iii) certified diabetes care and education specialists in good standing with the Certification Board for Diabetes Education and Care, to administer medication to campers at medical specialty camps as defined in the state sanitary code. [↑](#footnote-ref-1)