Commissioner Monica Bharel

Director Steven Hughes

Massachusetts Department of Public Health

Bureau of Environmental Health

250 Washington Street

Boston, Massachusetts 02108

December 5, 2016

Dear Commissioner Bharel and Director Hughes,

The Alliance of Massachusetts YMCAs represents the 30 YMCA Associations

Thank you for the opportunity to offer testimony **on 105 CMR 430.000: Minimum Standards for Recreational Camps for Children**. We look forward to working with the Bureau of Environmental Health in the Department of Public Health on the below changes.

The majority of our comments and recommended changes are around new definitions. Please see below for our comments in each section.

**430.020 Definitions:**

* “Age means the age of a person on the day a camp begins its first camping session for the season.” If camp starts on June 30 and a child turns seven on July 3 but does not go to camp until August, this could result in that seven-year-old being in a group with a 1:5 ratio rather than in a group with other seven year olds with a 1:10 ratio. We are asking for clarification on the six to seven age range in this definition.
* Counselors in Training defined as campers. Our concern is that they are considered campers in the definition but in **430.090 Background information** we are asked to run a background check on them. We are concerned about running a background check on a camper and blurring the lines between campers and counselors.
* We are asking that you please clarify the definition of campers with “mild disability.” In the new draft regulations, the definition is very vague, stating that “Mild disability means a condition which a person can function on his or her own in providing total self-care but needs assistance in other camp activities.” We are asking that “need assistance in other camp activities” be better defined.
* Please clarify the definition of a camper with a “severe disability”. Does this mean a 1:1 staff to camper ratio and do camper aides have to be camp staff to be included in the 1:1 ratio?
* Specialized High Risk Activities include challenge course. Please clarify if low ropes courses also fall under this. Currently they are not regulated under amusements.

**430.091 Staff Orientation and Training:** “The operator shall provide orientation and training for all counselors, junior counselors, and other staff and volunteers.” Please clarify what “other staff” means, if it means “all staff” that will be problematic for the Ys that run camp within their Y. There are a number of staff members who work within a Y but do not have anything to do with camp. Would these staff be required to go through a training? If not, please clarify who “other staff” includes.

**430.100: Staff Training:** The new regulations require each new counselor to have at least four weeks of experience as a junior counselor or in a supervisory role with children. Not all camps have a junior counselor program but many camps hire former campers. We are suggesting that the provision read as it was originally drafted allowing for an individual to be hired if they have participated in structured group camping OR receive camp counselor orientation and training or have experience in a supervisory role with children. Finally, please add a definition of supervisory role with children, does this include babysitting and being a nanny?

**430.101: Required Ratios:** Junior Counselors “shall always be in the presence of a counselor.” We are asking for clarity around this sentence. Does this mean that a junior counselor is unable to escort campers to the bathroom or to another area of the camp?

Secondly, counselors must be within the line of sight or close proximity to campers at all times. Please clarify what close proximity means.

**430.157 (B)**: **Communicable Disease Reporting:** Please clarify this section where it states “The operator of a recreational camp for children shall be responsible for ensuring each suspected case of food poisoning or any unusual prevalence of any illness in which fever, rash, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom is reported immediately to the Board of Health and to the Department, by email or telephone”. These are very common illnesses. Is there a level of severity at which camps should notify their local Board of Health?

**430.159 (E): Health Care Staff:** The new language “In camps operated for children with **mild or severe disabilities**, medical specialty camps, residential camps for children were the total number of campers and staff is 150 or greater and at any other camp when so advised by the health care consultant . . . the health care supervisor shall be:

* A nurse registered to practice in the Commonwealth
* A physician licensed to practice in the Commonwealth;
* A certified nurse practitioner or physician assistant licensed to practice in the Commonwealth; or
* A Massachusetts licensed practical nurse.”

With the addition of “mild or severe disabilities” this could potentially read that every camp would need a licensed/registered nurse on site. Please clarify the definitions of mild and severe disabilities in order to clarify this section.

**430:160: Storage and Administration of Medication:** The updated responsibilities of the Health Care Consultant could potentially make it difficult to find someone to perform all functions of the job. In some camps this function is performed by volunteer consultants but with the new responsibilities camps will have to create a paid position. Secondly, we will need all staff to be trained and listed as Health Supervisors in order for them to administer an epinephrine injection. We request that this and the written approval from parents and guardians for the Health Supervisor to administer it be removed from the language. An epinephrine injection can save a child’s life in a matter or moments, something that could be lost if the Health Supervisor needs to be found in order to administer the injection. Finally, regarding the trainings and reviews mentioned in the section, please clarify if they need to be in person.

**430.212: Field Trips:** In this section regarding field trips please clarify what is needed in the itinerary that needs to be provided to parents or guardians.

**430.370: Water Closets:** Please add a definition of water closets to the definitions section of the regulations.

Thank you for your consideration of our comments and recommendations. We look forward to working with you on these. If you have any questions or concerns, please do not hesitate to reach out to me.

Sincerely,

Kate-Marie Roycroft

Director of Public Policy