

NEW YORK STATE DEPARTMENT OF HEALTH
PUBLIC HEALTH AND HEALTH PLANNING COUNCIL
COMMITTEE ON CODES, REGULATIONS AND LEGISLATION MEETING
December 4, 2025, 10:00 AM
90 CHURCH STREET, 4TH FLOOR, CONFERENCE ROOMS 4A AND 4B, NYC
TRANSCRIPT

Mr. Kraut Unfortunately, Mr. Holt who chairs the Committee on Codes is unable to join us right now. I'm going to call to order the Codes Committee and welcome members, participants, and observers. I want to remind the council members staff that this meeting is subject to the Open Meeting Law and broadcast over the internet. The webcasts are going to be accessed at the Department of Health's website, which is NYHealth.Gov. The on-demand webcasts are going to be available no later than seven days after the meeting and are available for a minimum of at least thirty days, and then a copy is retained in the department for four months. We're using synchronized captioning, so do not talk over each other. The first time you speak, please identify your name and briefly identify yourself as a council member or DOH staff. Just remember our mics are hot. They pick up every sound. Also, for our audience, there's a reminder that the form needs to be filled out before you enter the meeting. It permits us to comply with the Commission on Ethics and Lobbying on Section 166. We also post that form on the Department's website under NYHealth.Gov under Certificate of Need. You can always fill it out before you enter the room. We're going to have a Committee on Codes, Regulations, and Legislation. We only have one regulation on the agenda today. This is for information only. It is 24-05 amendment of Subparts 7-2 of Title 10 NYCRR for children's camps. This regulation is being presented to the Committee for information only and is going to be presented to the committee and the full Public Health Council for adoption at a later date. Ms. Amanda Tarrier and Mr. William Sacks of the Department are available and can provide us with information on this proposal, and I'll turn it over to them.

Mr. Sacks Good morning, Mr. Kraut. Thank you.

Mr. Sacks Can everyone hear me?

Mr. Kraut Could we raise the volume from Albany please. We can hear a little better at least in the room here.

Mr. Kraut Just make sure the mic's close to you. Thanks.

Mr. Sacks Good morning, everyone. Thank you for meeting with us today. The proposed changes to Section 7.2 of Title 10 are intended to better ensure the health and safety of children who attend children's overnight, Summer day and traveling Summer day camps regulated by the department. The proposed changes include allowing 15-year-old lifeguards at traditional camp swimming pools to be included in the

50% total number of required lifeguards under a camps approved safety plan who may be younger than 17 years old.

Mr. Kraut Just hold on. We cannot hear you. It's really muffled down here. Is it because we only have one speaker in the room?

Mr. Kraut Can't we get it to the overhead? Can't the speaker be put to our overhead speakers in the room so we can hear? Usually, you put it through the overhead.

Mr. Kraut Could you take a microphone and put it near the speaker? One of the temporary mics that hold it.

Unknown Speaker Those things don't do anything.

Mr. Kraut Just take one of the mics off the table or something.

Mr. Kraut You're going to have to raise the volume of your voice, because it we only have one speaker. Unfortunately, it's a muffled speaker. It's very hard for us to hear you. If you can project with more air, that'll be helpful.

Mr. Sacks Good morning. Can you hear me now? Is this better?

Mr. Kraut A little bit, but we'll take it.

Mr. Sacks A little bit. I'll do my best.

Mr. Sacks The broad objective of our proposed amendments to Section 7-2 are to better ensure the health and safety of children who attend children's overnight, Summer day, and traveling Summer day camps regulated by the department. enough?

Mr. Sacks The proposed changes include the following, allowing 15-year-old lifeguards at traditional camp swim pools to be included in the 50% total number of total required lifeguards under a camps approved safety plan who may be younger than 17 years old. In response to amendments to Public Health Law, Section 1396. We have reconciliation amendments pertaining to the prohibition on pesticide applications with exceptions on campgrounds. In response to amendments to Sections 1392 and 1394 of the Public Health Law, we have a requirement that camp operators determine whether an employee or volunteer is listed on the Department of Justice's national sex offender public website prior to their first day of work and annually thereafter. In response to amendments to Public Health Law section 3000-F, a requirement that regulated camps provide an automated external defibrillator or AED or provide instructions to facilitate ready access to an AED and employ one or more staff who possess an acceptable certificate of training in the operation and use of an AED. The changes also grant authority to permit issuing officials. To deny, suspend, or revoke a permit for noncompliance with regulatory requirements, failure to comply with enforcement actions, or interference with a permit issuing official's performance of their duties,

including refusal of admittance to regulated campgrounds and buildings. Finally, the changes would allow nurse practitioners to serve as medical personnel, specifically camp health directors, at camps for children with developmental disabilities.

Mr. Kraut We're getting this for information. I'll open it up in a second if anybody has questions. Just to be clear, part of these regs are really bringing the current camp regs into contemporary formats regarding the ability to adequately staff and protect the health of the camps. This is going to come back to us for approval probably at the next cycle. I suspect you need this approved before the Summer camp season is one of the reasons.

Mr. Sacks Yes, that's correct.

Mr. Kraut Are there any questions from council members?

Mr. Kraut Yes, Dr. Torres.

Dr. Torres I just need a clarification. The current requirement is for the lifeguard to be seventeen and the propose the proposal is to bring it down to fifteen years of age?

Mr. Sacks Go ahead, Amanda.

Ms. Tarrier The current requirements in 7-2. Is this loud enough?

Mr. Kraut Yes.

Ms. Tarrier The current requirements allow require 17 years of age as a minimum age for lifeguards, except for surf beaches and wilderness swimming where the minimum age is 18. The legislation that was signed in 2023 now allows so the code currently allows up to 50% of the total number of required lifeguards to be sixteen years of age and not seventeen. The legislation that was signed in 2023 allows that fifty percent to also include fifteen-year-olds in addition to sixteen-year-olds.

Mr. Kraut Yes.

Mr. Kraut Any other questions?

Mr. Kraut Yes, Dr. Ortiz.

Dr. Ortiz Could you clarify the NP qualifications if they're going to be serving as the director? I'm just concerned about what specialty they come in at. If it's family then that makes sense. Pediatric NP would make sense. I'd be concerned if they would hire an adult GERO NP because their scope of practice doesn't begin until the age of thirteen.

Ms. Tarrier Our regulations are very general on the types of medical personnel who could be qualified to serve as the camps health director. This addition really just

corrects an oversight in the regulations from when nurse practitioners were added years back to be allowed for any children's camp to be the health director. The oversight was that it wasn't also added to the section for camps for children with developmental disabilities. Our regulations don't specify further any additional qualifications or specific specialties that those staff have nurse practitioners, physicians, physicians' assistants, and registered nurses would be the types of staff that are allowed to be the health director at those camps.

Mr. Kraut Since you are soliciting comments from the council, I would suggest you take Dr. Ortiz's comments into account as you come back with this reg, because if I'm clear about what you're saying, there's a category a nurse practitioner that wouldn't be qualified to serve in that in the capacity you're expecting them to. I suspect that might apply to other categories of specialization, right? Dr. Ortiz, so just so that they're clear, it's just which NP?

Dr. Ortiz I would think if they're serving in for the whole scope of the camp, adult GERO NP wouldn't qualify to provide care to anybody under thirteen.

Mr. Kraut Because their privileges would be restricted.

Dr. Kalkut Hi. I'm Gary Kalkut, a member of the council. What about an adult ambulatory NP? Would that the same scope of practice starts at a certain age? No one who is trained exclusively in adult, not instead of a family nurse.

Dr. Ortiz If that's the scope of the camp. If the camp is thirteen and above, that would be just fine. Or if it was a structure depending on funding, that the person can serve it as the director as long as he or she has FMPs or PNP's actually providing the care during the practice. Thank you.

Mr. Kraut You've heard those comments from the council.

Ms. Tarrier Sure.

Ms. Tarrier I'll just add that there's nothing in our regulation that would preclude like someone needs to still work within whatever scope of practice for their licensure that they have. The regulation suggesting a general category of a professional is acceptable. Like that person would still be required to work within their scope of practice and comply with all that.

Mr. Kraut If they're the only one there, it's a problem. The camps need to know maybe when the regs get passed that there is a scope of practice requirement that they can't hire. You either do this through the regulation or you do this through the advisory when you issue the regulation.

Mr. Kraut Are there any other comments from the council?

Mr. Kraut Are there any members of the public who want to comment on this proposal?

Mr. Kraut Hearing none, we're not going to have to vote on it. We're just going to present the regulation to the full council for information later this morning.

Mr. Kraut I will close the Codes committee on Codes, Regulation and Legislation.