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Executive Office of Health and Human Services  
Department of Public Health  
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### NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health will hold a public hearing and comment period on proposed amendments to 105 CMR 430.000: *Minimum Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV)*.

The purpose of these amendments is to implement the requirements of Section 90 of the FY2021 Budget, *Medical Specialty Camp Medication Administration*, which will authorize certain unlicensed individuals at medical specialty camps to administer diabetes medications. The amendments will also clarify requirements for high-risk activities and update other regulatory standards.

The public hearing will be held on **Tuesday, June 27, 2023, at 10:00 a.m.** The hearing will be conducted on a **moderated conference call**. The information for the moderated conference call is:

Dial in number: 888-390-5007  
Participant passcode: 3516389  
To Testify Press: \*1

A copy of the proposed amendments to 105 CMR 430.000 may be viewed on the Department's website at [www.mass.gov/dph/proposed-regulations](http://www.mass.gov/dph/proposed-regulations) or upon request by calling the Office of the General Counsel at 617-624-5220.

Speakers who testify at the public hearing are requested to provide a copy of their oral comments. The Department encourages all interested parties to submit comments electronically to [Reg.Testimony@mass.gov](mailto:Reg.Testimony@mass.gov) or by mail to William Anderson, Office of the General Counsel, Department of Public Health, 250 Washington Street, Boston, MA 02108. All submissions must include the sender's full name and address.

When electronically submitting comments, type "Recreational Camps for Children" in the subject line and attach a Word document with your comments or type your comments in the body of your email.

The Department will post all testimony that complies with these instructions on its website. **All comments must be submitted by 5:00 p.m. on Friday, June 30, 2023.** All comments received by the Department may be released in response to a request for public records.

If you are deaf or hard of hearing, or are a person with a disability who requires accommodation, please contact Sofie Daley at least 5 days before the hearing at [sofie.daley@mass.gov](mailto:sofie.daley@mass.gov).

## Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

**CMR No: 105 CMR 430.000, Minimum Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV)**

**Estimate of the Number of Small Businesses Impacted by the Regulation: DPH's database of licensed camps as reported by municipalities for 2022 indicates approximately 1415 recreational camps for children statewide.**

**Select Yes or No and Briefly Explain**

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports?  <i>The regulations require camp operators to file reports of camper injury or death and reports of child abuse or neglect, which under the proposed regulation must be in writing. The proposed amendments also require reporting of injuries or incidents resulting from the administration of medications including diabetes care and health care providers or camp directors to comply with the reporting requirements of M.G.L. c. 94c as well as 105 CMR 700.</i>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures?  <i>The proposed amendments require camps to maintain written authorizations for emergency medical care for all adult staff or volunteers, develop and maintain written plans to prepare for and respond to disease outbreaks, maintain written policies outlining what is required of individuals authorized to administer insulin at medical specialty camps, and develop a written boating safety plan for camps that conduct watercraft activities.</i>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to provide additional administrative oversight?  <i>The proposed regulations require health care consultants at medical specialty camps to train individuals authorized to administer insulin, monitor blood sugar, and epi-pen auto-injections on how to correctly do so and requires the administration of insulin to be under the direct supervision of the camp's health care provider. Additional training for medication administration for oral and topical prescription medications is required and training specific to watercraft activities being overseen. Medical specialty camps will have to meet these requirements to ensure the safety of youth in their care.</i>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation?  <i>Camps that provide on-site aquatics activities are required to ensure that an experienced water safety professional is at the camp. While most camps already have these employees, some may have to hire additional staff to comply. In other areas, camps would have to perform additional trainings for current staff on the administration of insulin and trainings to comply with first aid/CPR/lifeguard/watercraft safety requirements. As a result, camps could simply train current staff rather than hire additional staff.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?  <i>Compliance with this regulation requires additional trainings to be provided to current staff. The proposed regulations do not add additional requirements.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?

		<i>There are no requirements to purchase particular products or make other capital investments, but small businesses may have to make some capital investments to comply with the State Sanitary Code, or other codes, e.g., Building, Plumbing, and Fire Safety.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?          (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)</p> <p><i>In this case no; this regulation sets forth uniform procedures for camp requirements and for local boards of health to enforce the Sanitary Code.</i></p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p><i>Several other agencies in Massachusetts have involvement in issues related to recreational camps for children (e.g., the Department of Public Safety, the Board of Fire Prevention Regulations, the Board of Electrical Examiners, the Board of Building Regulations and Standards, the Board of Plumbers and Gasfitters, the Architectural Access Board, the Department of Environmental Protection, and the Department of Conservation and Recreation). However, the Department of Public Health's regulations are unique in that they set forth minimum standards for operating a recreational camp for children and inspection, licensing, hearing and procedures to be followed in enforcement of the State Sanitary Code and, where building code requirements overlap, contain no grandfathering clause.</i></p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p><i>The current regulations require regulated entities to cooperate with audits and inspections as needed, as well as with re-inspections pending orders to correct issued by a local board of health. The proposed amendments do not include additional requirements outlined above.</i></p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p><i>The proposed amendments would require staff delegated responsibility to administer insulin at medical specialty camps complete a training provided by the camp's health care consultant and a test of competency. This is consistent with DPH-regulated policies and procedures for medication administration in schools.</i></p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p><i>The current regulations and proposed amendments provide uniform expectations for camp operators, including those operating in multiple municipalities, and consistent licensing, enforcement, and due process activities by local boards of health across the Commonwealth. The regulation and proposed changes are not expected to deter the formation of small businesses. It is not expected that small businesses will be deterred from operating in MA due to these amendments, but the impact is difficult to predict.</i></p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p>

		<i>The current regulations and proposed amendments provide uniform expectations for camp operators, including those operating in multiple municipalities, and consistent licensing, enforcement, and due process activities by local boards of health across the Commonwealth. The regulation and proposed changes are not expected to encourage the formation of small businesses.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses?  <i>The regulation ensures uniform enforcement and due process by local boards of health across the Commonwealth. It does provide for an opportunity for the regulated party to request a variance from the local board of health for less stringent compliance and reporting requirements, but the proposed regulation limits the circumstances to ensure that camper safety is paramount.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?  <i>Reporting requirements are the same regardless of camp size to ensure safety of all children.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses?  <i>The regulation establishes a minimum standard for health and safety to children in recreational camps in Massachusetts. The compliance and reporting requirements are the same regardless of camp size to ensure safety of all children.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?  <i>In this case no; this regulation sets forth procedures to enforce minimum standards for public health. These procedures (and the health standards they address) protect conditions that are critical to public health.</i>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?  <i>Alternative regulatory methods (e.g., establishment of municipal-specific standards) would inflict adverse impact on small businesses.</i>