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Document No. 5041
DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88
Statutory Authority: 1976 Code Section 44-20-220

Article 3. Recreational Camps for Persons with Intellectual Disability.

Preamble:

The Department of Disabilities and Special Needs proposes to amend Article 3 by repealing the Article as it is obsolete in its entirety.

Section-by-Section Discussion

Article 3. Repeal in its entirety.

A Notice of Drafting was published in the *State Register* on December 25, 2020.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted before the Department of Disabilities and Special Needs Commission, 3440 Harden Street Extension, Columbia, South Carolina, 29240 on April 15, 2021, thirty minutes after the adjournment of the regular Commission meeting. Written comments may be directed to Mary Poole, State Director, Department of Disabilities and Special Needs, 3440 Harden Street Extension, Post Office Box 4706, Columbia, South Carolina, 29240, no later than 5:00 p.m., March 29, 2021. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: This article is repealed to delete obsolete programs referred to in the code of regulations Chapter 88.

Legal Authority: 1976 Code Section 44-20-220.

Plan for Implementation: The amended regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Department will notify applicants for services of the regulation by posting it on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations are needed to ensure that all applicants for services are aware of the process and their rights.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment of this state. The public health of the State will be enhanced by public awareness of Department procedures.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effects on the environment and public health if the regulations are not repealed in this State.

Statement of Rationale:

These regulations are repealed to clarify and state Department roles and procedures.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

~~ARTICLE 3~~

~~RECREATIONAL CAMPS FOR PERSONS WITH INTELLECTUAL DISABILITY~~

~~88-310. Definitions:~~

~~A. Activity Specialist—An individual who has skills in and is responsible for conducting camper-participation activities such as arts and crafts, swimming, sports, camping, etc.~~

~~B. Aquatic Guard—A waterfront staff member who is responsible to the aquatic supervisor for the supervision of campers during any aquatic activities.~~

~~C. Aquatic Supervisor—Is in charge at a waterfront for supervising the entire swimming program including, but not limited to, free swim, swim lessons, swimming ability tests, boating, waterfront play and who is also responsible for the supervision of the aquatic guards.~~

~~D. Camper—A person with intellectual disability who is attending either a licensed Recreation Residential Camp or a Recreation Day Camp.~~

~~E. Campsite—The land, including the natural and man-made features, where the camp program is being offered.~~

~~F. Comprehensive Plan—The plan of operation that sets forth all aspects of the camp program including the major program emphasis and the range of participants to be served.~~

~~G. Counselor—An individual who directly supervises the campers and who is responsible to the camp director.~~

~~H. Counselor in Training—An individual who participates in a specific camper leadership development program, but has no direct supervision or responsibility for campers.~~

~~I. Recreation Day Camp—A program of recreation activities for the camper with intellectual disability with an emphasis on outdoor and camping activities that utilize trained leadership and the natural or man-made outdoor surroundings to contribute to the camper’s mental, physical, and social growth and which provides services for less than twenty four hours a day.~~

~~J. Recreation Residential Camp—A program of recreation activities for the camper with intellectual disability with an emphasis on outdoor and camping activities that utilize trained leadership and the natural or man-made outdoor surroundings to contribute to the camper’s mental, physical and social growth and which provides four or more consecutive twenty four hour periods of camp programming at one or more campsites. Repealed.~~

88-315. ~~Campsite.~~

~~The Campsite will meet the appropriate requirements of the Rules and Regulations Governing Camps as published by the South Carolina Department of Health and Environmental Control. Repealed.~~

88-320. ~~Supervision.~~

~~Each camp program shall be under the supervision of a qualified camp director. The director shall designate other staff persons to be in charge during temporary absences. The director is in charge of the camp the entire period campers are present. Repealed.~~

88-325. ~~Personnel.~~

~~A. A residential camp director shall meet the following requirements:~~

~~(1) Be at least 21 years of age;~~

~~(2) Possess an earned baccalaureate degree in recreation, business administration, special education or a related field;~~

~~(3) Have at least two years’ experience in camp programs.~~

~~B. A Day camp director shall meet the following criteria:~~

~~(1) Be at least 21 years of age;~~

~~(2) Possess an earned baccalaureate degree in recreation, business administration, special education or a related field;~~

~~(3) Have at least one year experience in camp programs.~~

~~C. Counselors shall:~~

~~(1) Have at least a tenth grade education;~~

~~(2) Be at least sixteen years of age.~~

~~D. Activity Specialists shall:~~

~~(1) Have at least an eighth grade education;~~

~~(2) Be at least sixteen years of age;~~

~~(3) Have training or experience in the program specialty which they will be teaching.~~

~~E. Counselors in training shall:~~

~~(1) Have at least an eighth grade education;~~

~~(2) Be 14 years of age.~~

~~F. Aquatic supervisor will:~~

~~(1) Be at least 17 years of age;~~

~~(2) Have a current water safety instructor certificate from the American Red Cross.~~

~~G. Aquatic guard will be currently certified by the American Red Cross as an Advanced Lifesaver or in Lifeguard Training.~~

~~H. All camp staff will participate in a pre-camp training session. The training session content and participation will be documented. Repealed.~~

88-330. ~~Size of Staff.~~

~~A. There shall be one staff member, excluding dietary, transportation, counselors in training, and janitorial staff, for each five campers in a residential program.~~

~~B. There shall be one staff member, excluding dietary, transportation, counselors in training and janitorial staff for each ten campers in a day camp program depending on functioning level and needs of campers.~~

~~C. Upon consideration of the ages, the severity of handicapping conditions, and the services needed by the campers, the Department may approve or require a different staff/camper ratio, but in no case shall there be less than one staff member for each ten campers. Counselors in training may not be considered in calculating the staff/camper ratio.~~

~~D. The approved staff/camper ratio shall be maintained during all periods when campers are present.~~
Repealed.

88-335. Personnel Records.

~~A. The camp shall maintain records on each camp employee which contains at a minimum the following:~~

- ~~(1) Full name;~~
- ~~(2) Address;~~
- ~~(3) Age;~~
- ~~(4) Training;~~
- ~~(5) Education;~~
- ~~(6) Work Experience;~~
- ~~(7) Other qualifications;~~
- ~~(8) The names and telephone numbers of persons to be notified in the event of emergency;~~
- ~~(9) Documented evidence of freedom from tuberculosis at the time of employment (dated within one month from date of first day of camp);~~
- ~~(10) A signed statement indicating that they have never been charged or convicted of a crime of abuse or neglect.~~ Repealed.

88-340. General Health.

~~A. Health information shall be maintained on every camper which shall include:~~

~~(1) A health status questionnaire on a form approved by the Department, completed and signed by the camper's parent or guardian within ninety (90) days prior to camp.~~

~~(2) A report of a physical examination performed by a licensed physician within twelve months preceding entry into camp, or a statement, signed by the camper's parent/guardian, that having been advised that examination by a physician is required, the parent/guardian requests that this requirement be waived and state reason in writing.~~

~~B. Every camp shall have a written policy which provides for daily health surveillance of campers and staff. If a camper or staff member is suspected of having a communicable disease, he shall be isolated and medical treatment obtained.~~

~~C. Health records shall be readily available to all camp personnel and shall include:~~

- ~~(1) Camper's name, address, telephone number of parent/guardian or person to contact in case of emergency;~~
- ~~(2) Authorization for emergency medical care signed by the parent/guardian of each camper;~~
- ~~(3) Written authorization to administer any medication signed by the parent/guardian;~~
- ~~(4) A list of known allergies or drug reactions.~~

~~D. Injury and Illness Reports~~

~~(1) If an injury or illness is judged by the camp director to be serious, the camp health director shall be notified immediately and the camper's parent/guardian will then be notified. A record of each contact or each attempt to contact the parent/guardian shall be maintained. The camp director will be responsible for obtaining the necessary medical services and informing the appropriate regional office within 5 hours of injury or illness.~~

~~(2) A medical log shall be maintained which contains a list of dates, names of patients, ailments, and treatments prescribed.~~

~~(3) A report for each serious injury, illness, abuse, neglect or fatality which occurs at camp shall be recorded in a critical incident log which shall be submitted for review by the regional office staff of the Department and other authorized personnel.~~

~~E. Health Staff~~

~~(1) A residential camp shall have on duty at all times campers are present, a camp health director who is one of the following:~~

- ~~(a) Currently certified by the American Red Cross in Advanced First Aid and Emergency Care;~~
- ~~(b) A licensed physician;~~
- ~~(c) A registered nurse;~~
- ~~(d) A licensed practical nurse;~~
- ~~(e) A licensed Emergency Medical Technician.~~

~~(2) A day camp shall have on duty at all times campers are present, a camp health director who is one of the following:~~

- ~~(a) Currently certified by American Red Cross in Basic or Standard First Aid;~~
- ~~(b) A licensed physician;~~
- ~~(c) A registered nurse;~~
- ~~(d) A licensed practical nurse;~~
- ~~(e) A licensed Emergency Medical Technician.~~

~~F. Medication~~

~~(1) Medication prescribed for campers or staff members shall be kept in the original containers bearing the pharmacy label which shows drug name, the prescription number, date filled, physician's name, direction for use, and patient's name.~~

~~(2) Medication shall be stored in a locked container.~~

~~(3) The health director shall:~~

- ~~(a) Record all in coming medication;~~
- ~~(b) Inventory all medication daily;~~
- ~~(c) Be responsible for proper maintenance and storage of all medication.~~

~~(4) When any medication is administered to a camper, the date, dosage, time and name of staff member administering the medication shall be recorded in the medical log.~~

~~(5) When no longer needed, medications shall be returned to parents/guardian or other authorized persons and a record of the disposition of unused medication shall be maintained which includes the camper's name, the drug name, the prescription number, the amount disposed of, the name of the staff disposing of the medication and the manner and date of disposition.~~ Repealed.

88-345. General Safety.

~~A. Equipment and facilities used in a camp program shall be of good quality and designed to minimize the likelihood of injury.~~

~~B. Potentially hazardous equipment such as archery equipment, shall be placed in locked storage when not in use. The camp director shall designate a person to be responsible for safe keeping of potentially hazardous equipment.~~

~~C. Power equipment shall not be stored, operated or left unattended without proper safeguards. All power tools will be stored in a locked place which is not accessible to campers. Campers will not use power equipment unless supervised by a qualified person.~~

~~D. Equipment used for arts and crafts shall be in good repair and properly installed.~~

~~E. Playground equipment shall be securely anchored, safe and in good repair.~~

~~F. All watercraft shall be equipped with US Coast Guard approved personal flotation devices of types I, II, or III which are prescribed for the specific type of craft and number and age of occupants. Each camper aboard a watercraft shall wear an approved life jacket.~~

~~G. All swimming and diving areas shall be provided with a bell or whistle, two assist poles and a ring buoy that are in good usable condition.~~

~~H. All piers, floats and platforms shall be in good repair.~~

~~I. All potentially hazardous camp activities such as archery, aquatics, and riding shall be supervised by a qualified activity specialist. Camps which provide such activities shall submit with the license application a description of the safety practices which are designed to minimize the likelihood of injury. Repealed.~~

88-350. Emergency Procedures.

~~A. Emergency procedures for serious accidents, illness, lost camper, missing swimmer, and for evacuation in case of fire or natural disaster will be prominently posted at the campsite.~~

~~B. Appropriate telephone numbers for emergency services will be legible and prominently posted at the camp site.~~

~~C. Each staff member of the camp shall be informed in advance of his duties in case of emergency. Documentation of staff training and evidence of staff awareness of his duties shall be on file at the camp site.~~

~~D. Fire and emergency drills shall be conducted the first day of camp and documented at least once each camp period or once every week.~~

~~E. Coordination with county Disaster Preparedness Office is required and must be documented. Repealed.~~

88-355. General Sanitation Requirements.

~~The camp shall meet the requirements of the S. C. Department of Health and Environmental Control's Regulation 61-39. A current S. C. Department of Health and Environmental Control inspection report and plan for correction of deficiencies shall be maintained in the camp's records. Campgrounds, pools and natural bathing areas which are permitted by the S. C. Department of Health and Environmental Control will be deemed to have met this requirement. Repealed.~~

88-360. Housing in Residential Camps.

~~All housing facilities in a residential camp shall meet the appropriate requirements of SCDHEC. Repealed.~~

88-365. Nutrition and Food Service.

~~A. In camps where central food service facilities are provided, the facilities shall be constructed and operated in accordance with S. C. Department of Health and Environmental Control Regulation 61-25. A current permit and inspection report shall be maintained in the camp.~~

~~B. Each camp shall establish written procedures for its nutrition and food service program. These policies shall include meal patterns, meal hours, types of food served, staff responsibilities during the meal time and the administration of the food service program.~~

~~C. When a camper needs a special diet, it shall only be administered according to the orders of a licensed physician. Records of special diets and menus will be kept at the camp. Separate arrangements shall be made by camper's parent/guardian for any special diets beyond the capability of the camp.~~

~~D. Menus shall be planned at least a week in advance and shall be dated as to the week of use. The current week's menus shall be posted in the food preparation area. Substitutes shall be noted on the menus in writing. After use, the menus shall be kept on file for the period of the camping session.~~

~~E. Mealtimes shall be scheduled to meet the camper's needs and spaced so there are no more than fourteen hours between evening meal and breakfast. At least three nutritionally balanced meals shall be served in a residential camp each full day of operation.~~

~~F. Meals shall be prepared as close to serving time as possible and served in portions appropriate to the nutritional needs of the camper. Repealed.~~

88-370. Transportation.

A. Responsibility for campers being transported

~~(1) When a camp provides transportation for a camper, it shall also provide staff supervision other than the driver on the vehicle between the pickup site and the delivery site.~~

~~(2) Travel time of campers to and from day camps shall not exceed two hours per one-way trip.~~

~~(3) Ten hours travel time shall be the maximum permitted in any twenty four (24) hour period for campers when traveling to and from field trips.~~

~~B. Responsibilities in Transit~~

~~(1) Only that number of campers for whom there is seating space shall be transported in a vehicle. The maximum capacity of the vehicle shall clearly be indicated and posted in the vehicle.~~

~~(2) In all vehicles used, seats, benches and or wheelchairs must be securely fastened to the floor. Open-body or stake-bed vehicles are not permitted for transportation of passengers.~~

~~(3) All vehicles (except school buses) should have seatbelts which are used by all passengers and drivers when vehicle is in motion.~~

~~C. Responsibility for Drivers and Vehicles~~

~~(1) Vehicle operators shall:~~

~~(a) Be licensed drivers;~~

~~(b) Have a proven good driving record.~~

~~(2) All road vehicles shall be equipped with a first aid kit, fire extinguisher, flares and/or reflectors.~~

~~(3) All road vehicles shall be maintained in safe operating condition as evidenced by a vehicle maintenance schedule. All vehicles will have a current safety inspection sticker.~~

~~(4) Campers shall not be allowed to repair or assist in the repair of any vehicle if there is danger of injury to the camper either by the process of repair or from the environment in which the repair is to be conducted. Repealed.~~

88-375. Program.

A. A comprehensive plan of operation shall be developed. It shall include a statement of major program emphases designed for camper development. A written outline of the methods by which the programs for camper development are to be conducted shall be included in the comprehensive plan.

B. The program shall have a broad spectrum of activities and experiences appropriate to the campers' levels of abilities and needs. All components of the camp's environment shall offer opportunities by which campers shall learn and broaden their bases of experience.

C. If in the comprehensive plan the purpose of the camp is to include any carry-over of goals from the individual education plan designed by the school or the individual program plan designed by the day-program, the camp must obtain program recommendations from the regular program prior to camp start-up.

D. The rationale for separating the campers into groups must be outlined in the plan and approval obtained from the Department. Repealed.

88-380. Waterfront Activity.

A. Waterfront Staff

(1) When swimming or when watercraft activities are in progress, the aquatic activity supervisor shall be in attendance to supervise the program.

(2) The aquatic staff shall not be engaged in recreational swimming or boating while on waterfront duty.

(3) One aquatic supervisor or one aquatic guard shall be on duty for every ten, or fraction thereof, campers in the water. Other staff members shall be present and on duty to maintain the staff/camper ratio required in R. 88-330 A, B, C and D.

(4) When waterfront activities are occurring at more than one location simultaneously there will be at least one aquatic guard present for every ten campers at each location.

(5) The aquatic supervisor shall ensure that the ratio is adjusted to meet such factors as water conditions, number and types of swimmers, and functional level of the swimmers.

B. Swimming Areas

(1) The swimming area shall be maintained in a clean and safe condition. Any known hazard such as rocks, holes or hidden dangers shall be properly safeguarded and posted.

~~(2) The permanent swimming area of a camp shall have a delineation of areas for non swimmers, intermediates, and advanced swimmers, in accordance with the standards of the American Red Cross or Boy Scouts of America.~~

~~(3) Lifesaving equipment shall be provided at all swimming areas and placed so it is immediately available in case of an emergency.~~

~~(4) Swimming at sites other than the permanent camp waterfront is prohibited except by prior written approval from the Department.~~

~~C. Swimming Procedures~~

~~(1) Swimming ability tests either recognized by American Red Cross or Boy Scouts of America will be administered to each camper at the beginning of the camping session. Campers will then be confined to an area equal to their identified swimming ability or to areas requiring lesser skills.~~

~~(2) A method approved in writing by the Department for the supervision and checking of swimmers shall be written by the camp director and enforced by the aquatic staff. The method used shall require each swimmer to be checked at least every ten minutes. A written "lost swimmer" plan shall be established and all staff members shall know in advance exactly what their duties are in case of an emergency at the waterfront.~~

~~(3) Swimming is prohibited during the hours of darkness in the ocean, lakes, or rivers. Nighttime swimming in lighted swimming pools shall be prohibited unless the activity is included as part of the comprehensive plan.~~

~~(4) There shall be provided a regularly scheduled ten minute relief break each hour for waterfront staff and a rotation of assigned areas will occur every hour. Guards shall not leave their assigned areas until properly relieved.~~

~~D. Seizure Client Procedures~~

~~(1) The camp shall have written permission from parents/guardians for clients with seizures to engage in any waterfront or aquatic activities.~~

~~(2) All seizure clients will be clearly visually identifiable while engaging in any aquatic activity.~~

~~(3) Staff shall be knowledgeable of client reactions to seizure, and written procedures for care shall be visibly posted within the waterfront area. Repealed.~~

88-385. General Care of Campers.

~~A. Policies and practices for managing the behavior of a camper shall be clearly stated and furnished in writing to all employees of the camp.~~

~~B. A camper shall not be subjected to any of the following as a means of punishment:~~

~~(1) Corporal punishment;~~

~~(2) Food deprivation;~~

~~(3) Abusive physical exercise.~~

~~C. If the camp permits the involuntary removal of a camper from social contact with others, there shall be a written policy which has been approved by DMR which describes the conditions under which and the manner in which it shall be done. Each such incident shall be documented.~~

~~D. Policies and procedures for removal of a camper from the camp will be clearly outlined in writing and contain provisions for:~~

~~(1) Naming camp staff authorized to make decision to remove;~~

~~(2) Consultation and approval from regional office prior to dismissal or removal;~~

~~(3) Conditions which would cause the action to occur which will include:~~

~~(a) Danger to self or others;~~

~~(b) Medical causes;~~

~~(c) Severe behavior disruptions;~~

~~(d) Family intervention. Repealed.~~

88-390. Confidentiality.

~~All information in a camper's record shall be considered privileged and confidential. Staff shall not disclose or knowingly permit the disclosure of any information concerning the client or family directly or indirectly to any unauthorized person. Repealed.~~

88-395. Reserve Clause.

~~The Department reserves the right to require a camp to correct or eliminate any specific condition not covered in these regulations if the correction or elimination of such condition is deemed necessary for the preservation of life and the prevention of injury or illness at the camp. Repealed.~~