

*A REPORT BY THE NEW YORK STATE
OFFICE OF THE STATE COMPTROLLER*

**Alan G. Hevesi
COMPTROLLER**



**DEPARTMENT OF HEALTH
OVERSIGHT OF CHILDREN'S CAMPS**

2002-S-24

DIVISION OF STATE SERVICES

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Report 2002-S-24

Antonia C. Novello, MD, MPH, Dr. PH
Commissioner
Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Dear Dr. Novello:

The following is our report on the Department of Health's oversight of children's camps.

We performed this audit pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law. We list major contributors to this report in Appendix A.

Office of the State Comptroller
Division of State Services

April 28, 2003

EXECUTIVE SUMMARY

DEPARTMENT OF HEALTH OVERSIGHT OF CHILDREN'S CAMPS

SCOPE OF AUDIT

A children's camp is a place where supervised, organized activities are conducted for children. The Department of Health (Department) monitors the operations of children's camps in New York State to protect the health, safety and welfare of the children who attend such camps, pursuant to the New York State Public Health Law (Law) and the State Sanitary Code (Code).

Every children's camp must have a permit to operate. To get a permit, the operator submits an application, along with appropriate documentation and a written plan indicating how the camp meets health and safety requirements, to the local health unit (LHU) where the camp is located. After the application is accepted, LHU staff inspect the camp before it opens and issue a permit if inspection results are acceptable. LHUs must also inspect the camp at least once after it opens. In 2002, about 2,600 children's camps had permits to operate in the State.

In 2000, the Department developed an automated database management and reporting system, the Environmental Health Inspections and Permitting System (EHIPS), which LHUs can use to record a variety of data about their permit-issuing activities. EHIPS should allow Department officials to monitor both LHU performance of permit-issuing activities and the permit status of all children's camps in the State.

Our audit addressed the following question about the Department's oversight of children's camps for the period January 1, 2001 through November 25, 2002:

- Does the Department make sure that all children's camps in the State are issued permits in compliance with the Law and Code?

AUDIT OBSERVATIONS AND CONCLUSIONS

The Department is not adequately monitoring the issuance of permits to children's camps. We found that EHIPS, the Department's automated monitoring system, is unreliable. Consequently, EHIPS has limited value for

monitoring the permit-issuing activities of LHUs. Also, we found that the Department does not have formal procedures for conducting periodic site visits to LHUs, and our visits to LHUs identified serious deficiencies in various aspects of the permit-issuing process. Hence, the health, safety and welfare of children who attend such camps are at increased risk.

EHIPS was designed to allow LHUs to enter details about the regulation of children's camps, such as the permit application and issue date, the camp opening and closing dates, the written plan submission and approval dates, and the dates and results of pre-operational inspections and operating inspections. However, we found that EHIPS is not comprehensive, complete or accurate. For example, EHIPS is not used by seven LHUs, together responsible for 1,275 children's camps, because the Department allows these LHUs to continue to use their own systems instead of EHIPS. We also found that EHIPS information is incomplete because the Department does not require that LHUs complete certain data fields, and inaccurate because staff commit data entry and other errors. Further, a quarterly monitoring report the Department generates from EHIPS data is not detailed or timely enough to be useful. As a result, the Department cannot use EHIPS to determine whether LHUs timely complete activities required by Law to ensure children's safety at camps. To use EHIPS effectively, we recommend the Department promote use of EHIPS by all LHUs and take steps to make sure EHIPS data is complete and accurate. (See pp. 6-14)

Department officials should also visit LHUs on a periodic basis, to ensure that LHUs fulfill their permit-issuing responsibilities. However, we found the Department has not developed formal procedures for conducting periodic site visits to LHUs. When we visited a sample of LHU sites, we identified a number of serious weaknesses that could adversely impact children's safety at camps. For example, camps were issued permits and operating without evidence that camp directors' names did not appear on the State Central Registry of Abuse and Maltreatment, without complete written safety plans and without having received inspections before and after opening for the season. We recommend the Department develop and implement procedures for making periodic site visits to confirm that LHUs are timely completing and properly documenting all the permit issuance steps required by Law. (See pp. 14-18)

COMMENTS OF OFFICIALS

Department officials agreed with our recommendations and indicated actions planned or taken to implement them. A complete copy of the Department's response is included as Appendix B. Appendix C contains State Comptroller's Notes, which address matters of disagreement included in the Department's response.

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INTRODUCTION

Background

A children's camp is an entity that provides children a place in which supervised, organized activities are conducted. Article 13B of the New York State Public Health Law (Law) and Chapter 1, Subpart 7-2 of the State Sanitary Code (Code) govern children's camp operations. According to the Law, it is the declared policy of the State of New York to protect the health, safety and welfare of children attending children's camps. To enforce this policy, the Department of Health's (Department) Bureau of Community Sanitation and Food Protection (Bureau) monitors all children's camps in New York State to make sure they comply with relevant Law and Code requirements. The Bureau, whose operations are located in Troy, shares this monitoring responsibility with the Department's four regional offices: Capital District (Troy); Central (Syracuse); Metropolitan (New York City); and Western (Rochester).

To operate a children's camp, an operator must receive a permit from the Department. According to data supplied by Department and county health department officials, there were approximately 2,600 camps with permits to operate in New York State in 2002. Permits are issued by the 36 county health departments, the New York City Department of Health and Mental Hygiene, and 9 Department district offices that cover 21 counties where full service county health departments do not exist. The county health departments and Department district offices are also referred to as local health units (LHUs).

To receive a permit, a children's camp operator must submit an application to the permit-issuing officer within the LHU in which the camp is located. The Department has issued guidelines regarding the documentation that needs to be included with the application. For example, the operator must include a written plan that describes the camp's medical, fire safety and general safety provisions, the training provided to camp staff and the orientation for the campers. An inspection of the camp is done prior to its opening; if the inspection is acceptable, a permit is granted. Department procedures also require that all children's camps receive a second inspection while they are in operation. LHUs retain all materials related to a camp's application,

inspections and permit issuance to support the decision to grant a permit.

In 2000, the Department developed an automated database management and reporting system, the Environmental Health Inspections and Permitting System (EHIPS). EHIPS can be used by LHUs to record a variety of data about inspections performed and permits issued, and Department officials from the Bureau, regional offices and district offices can access EHIPS data to monitor LHU activities. The Department uses EHIPS as a monitoring tool for 39 Department-regulated facilities or programs. In addition to children's camps, this broad range of facilities and programs includes swimming pools, bathing beaches, public water supply, on-site sewage treatment systems, community health programs, food service establishments, institutional food service, radiation protection and terrorism response.

Audit Scope, Objective and Methodology

We audited the Department's oversight of children's camps for the period January 1, 2001 through November 25, 2002. The objective of our performance audit was to determine whether the Department ensures that children's camps are issued permits in compliance with State and local laws.

To accomplish our objective, we interviewed officials from the Bureau's central office and Department's four regional offices, and reviewed the Law and Code. In addition, we selected a judgmental sample of seven county health departments (Erie, Nassau, Niagara, Oneida, Onondaga, Schenectady and Westchester) and conducted site visits to each one. We judgmentally selected these seven LHUs to achieve a sample comprising LHUs of different sizes and geographic locations that included both LHUs that use EHIPS and LHUs that do not use EHIPS. At each county health department, we selected a random sample of children's camps for review. We reviewed documentation maintained for each of these sampled camps to determine if: all permit application materials were submitted; all written plans were submitted, and reviewed and approved by LHU officials; inspections were conducted, as required; and all public hazards identified were corrected, as required. To facilitate this review, we reviewed selected data from EHIPS. For those LHUs that do not use EHIPS, we reviewed

documentation provided by LHU officials to determine if LHU officials inspected children's camps, as required.

We did not include the New York City Department of Health in the scope of our audit because, on January 22, 2002, the New York City Comptroller's Office issued a report titled Audit of the Licensing and Monitoring of Summer Day Camps by the New York City Department of Health. This audit focused on the administrative and enforcement policies, procedures and practices of the New York City Department of Health's Field Inspection Unit as they related to the monitoring and licensing of summer day camps for the 2000 and 2001 summer seasons.

We conducted our audit in accordance with generally accepted government auditing standards. Such standards require that we plan and perform our audit to adequately assess those operations of the Department that are within our audit scope. Further, these standards require that we understand the Department's internal control structure and its compliance with those laws, rules and regulations that are relevant to the operations included in our audit scope. An audit includes examining, on a test basis, evidence supporting transactions recorded in the accounting and operating records and applying such other auditing procedures as we consider necessary in the circumstances. An audit also includes assessing the estimates, judgments and decisions made by management. We believe our audit provides a reasonable basis for our findings, conclusions and recommendations.

We use a risk-based approach when selecting activities for audit. This approach focuses our audit efforts on those operations that we have identified through a preliminary survey as having the greatest probability of needing improvement. Consequently, by design, we use our finite audit resources to identify where and how improvements can be made. Thus, we devote little audit effort to reviewing operations that may be relatively efficient or effective. As a result, our audit reports are prepared on an "exception basis." This report, therefore, highlights those areas needing improvement and does not address activities that may be functioning properly.

Response of Department Officials to Audit

We provided draft copies of this report to Department officials for their review and comment. Their comments

were considered in preparing this report and are included as Appendix B. Appendix C contains State Comptroller's Notes, which address matters of disagreement included in the Department's response.

Within 90 days after final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Department of Health shall report to the Governor, the State Comptroller and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

OVERSIGHT OF CHILDREN'S CAMPS

The Department's permit-issuance process provides assurance that children's camps with permits are safe places for children to be. The Department is responsible for making sure that LHUs timely complete the steps required for issuing permits, and that all operating camps have Department permits. To effectively monitor these activities, the Department needs to receive complete and accurate data from all LHUs throughout the State, and to examine this data to detect LHU performance problems, such as late inspections, as well as noncompliance at individual camps. However, we found that EHIPS, the Department's monitoring tool, provides incomplete and inaccurate data; furthermore, the report the Department generates from EHIPS to oversee permit issuance activities is not detailed or timely enough to be useful. The inaccurate and incomplete EHIPS data is due, not to limitations in EHIPS itself, but to the Department's implementation of EHIPS. For example, the Department did not mandate that LHUs use EHIPS, so some LHUs use other systems instead. Further, the Department does not require LHUs to complete a number of data fields in EHIPS, and acknowledges that errors result from faulty data entry or problems in understanding how EHIPS works. EHIPS has potential to provide the Department the data it needs to have assurance that children's camps offer healthy and safe environments for children. To reach this potential, the Department must promote EHIPS use by all LHUs and take steps to make sure EHIPS data is complete and accurate. In addition, since the Department uses EHIPS to monitor so many regulated facilities and programs, it is essential that the Department begin to use this tool effectively to protect the health and welfare of State residents.

To confirm the accuracy of LHU reporting and to verify that LHUs are maintaining adequate documentation for the permits granted, Department officials should also visit LHU sites on a periodic basis. According to Department officials, regional office staff visit every LHU between one and five times per year, with an average of three visits to each LHU per year. However, officials have not developed formal procedures to guide the conduct of these site visits. When we visited a sample of LHU

sites, we identified a number of serious weaknesses in LHU oversight of children's camps. Given the unreliable nature of EHIPS data, and the absence of formal procedures to guide the on-site assessment of the adequacy of LHU permit-issuing activities, there is increased risk that children's camps could be operating without proper inspections and/or without permits, thereby jeopardizing the health, safety and welfare of the children who attend such camps.

Monitoring With EHIPS

EHIPS was designed to allow LHUs to enter a variety of data pertaining to children's camp permit-issuing activity. This data includes the permit application date, the permit issue date, the camp opening and closing dates, the written plan submission and approval dates, and the dates and results of pre-operational inspections and operating inspections. The Department developed EHIPS as a monitoring tool, since reviewing the above data would allow Department officials to determine whether LHUs are:

- receiving, reviewing and approving camps' written plans, as required;
- inspecting children's camps prior to opening and at least once while in operation;
- issuing permits to all children's camps before they open; and
- communicating inspection results to Department officials.

When LHUs perform these activities in a timely manner, the Department can obtain assurance that children's camps in the State are operating in compliance with the Law and the Code. For EHIPS to have any utility for monitoring LHU activities and compliance, the data it contains must be reliable. However, our audit found that EHIPS data is unreliable; specifically, it is not comprehensive, not complete and not accurate.

For example, EHIPS data is not comprehensive because it does not include data about permit issuance activities at all the children's camps in the State. According to Bureau officials, at the time LHUs began using EHIPS in 2001, most of the larger LHUs had already developed their own database management systems. These LHUs had no interest in switching to EHIPS. The Department did not mandate that they use EHIPS, so they continued to use their own systems. Thus, these seven LHUs

(Erie, Monroe, Nassau, Onondaga, Orange and Suffolk Counties and New York City), which are collectively responsible for nearly half (1,275) the children's camps in the State, do not use the Department's monitoring system. The Department does require these LHUs to submit summary, county-wide statistics related to children's camps, as well as information about incidents of illness and injuries, for inclusion in Department quarterly reports. However, the LHUs not using EHIPS do not submit any additional data, such as permit application and issuance dates for specific camps, to provide details about the timeliness of permit-granting activities and the status of children's camps under their jurisdiction. As a result, the Department cannot use EHIPS to determine whether children's camps overseen by these LHUs are operating in compliance with the Law.

EHIPS data is also incomplete, even for the LHUs that do use the system to record their permit-granting activities. EHIPS data is incomplete because the Department does not require that LHU staff enter data in all EHIPS fields, or update EHIPS information in a timely manner. For example, the Department does not require LHUs to enter certain detailed data for individual camps (e.g., the opening and closing dates of the camps, the date the application materials are received). Without this data, the Department and regional office officials cannot identify children's camps that opened before they received a permit and/or camps that received a pre-operational inspection after opening. In addition, LHUs sometimes enter data about inspections and permit issuance after the camps close, when it is too late for Bureau officials to correct any problems. The Department is responsible for making certain that all children's camps in the State are certified as operating in compliance with the Law before they admit children to their premises. Therefore, it is critical that the Department have this essential detail data, and have it soon enough to correct a noncompliance issue, before an undetected problem at a camp has an adverse impact on the children who attend it.

Another reason EHIPS data is incomplete is that LHUs sometimes fail to enter information the Department requires them to record on the database, even though they may have done the associated work. For example, the Department requires that LHUs enter specific information about the written safety plans operators must submit with their applications, as well as notations of any public health hazards LHUs cite during

their inspections of camps. During this audit, we visited seven judgmentally selected LHUs (Erie, Nassau, Niagara, Oneida, Onondaga, Schenectady and Westchester), both to compare EHIPS entries to the documentation LHUs maintained for the permit-related work performed, and to test whether the documentation conformed to Department requirements. Of these seven LHUs, three did not use EHIPS (Erie, Nassau and Onondaga); the remaining four LHUs (Niagara, Oneida, Schenectady and Westchester) did use EHIPS. To determine whether these four LHUs entered Department-required plan review information on EHIPS, we reviewed randomly selected samples of children's camps operating in these LHUs during 2001 and 2002. These samples comprised 27 camps in 2001 (4 camps in each of Niagara, Oneida and Schenectady Counties and 15 in Westchester County) and 30 camps in 2002 (5 each from Niagara, Schenectady and Oneida Counties and 15 from Westchester County) from a total of 327 children's camps in these four LHUs. We compared the plan review information for each camp, as entered on EHIPS, to the information in children's camps files maintained at the LHUs. We found that none of the four LHUs had reported on plans they had actually received, reviewed and approved for the 27 sampled camps in 2001; for 2002, LHUs entered plan review data on EHIPS for only 7 of the 30 camps in our sample. Unless Department and regional officials follow up to make sure LHUs keep EHIPS data complete and current, they cannot use EHIPS to determine whether LHUs receive, review and approve written plans, or complete other steps in the permit issuance process.

We also found that EHIPS did not contain complete information about all the public health hazards cited during inspections of the camps in our sample. During our review of the 88 inspections (42 in 2001 and 46 in 2002) conducted at all the camps in the above samples, we found 2 instances in which LHUs cited a camp for a violation, but did not enter the citation on EHIPS. The violations not reported on EHIPS involved a camp in Oneida County that was cited for one violation (drinking water safety) and a camp in Westchester County that was cited for three violations (uncertified staff, inadequate supervision of swimmers and improper waterfront safety behavior). Without this information, Department officials are not aware of the extent to which children's camps have been cited for public health hazards, and cannot follow up to make sure camps have corrected problems that affect children's safety.

We also found that the information that does exist on EHIPS is often inaccurate. In conducting our site visits to the seven LHUs, we compared selected data for 2001 and 2002 for the sampled children's camps to the data contained in the children's camp files to determine if the EHIPS data was accurate. (We focused primarily on the four LHUs that used EHIPS. Since Nassau, Erie and Onondaga Counties record data on their own systems, these LHUs had either no data, or limited data, on EHIPS.) We compared EHIPS entries to information on file at each LHU for the following elements:

- Opening/Closing dates for the camp;
- Permits (application, approval, issue dates);
- Date of pre-operational inspection;
- Date of operational inspection; and
- Violations (whether violations noted in EHIPS were the same as those cited in pre-operational and operational inspections).

We found a number of instances in each of the above categories in which EHIPS data did not reconcile with documentation in the children's camp file. For example, there were numerous discrepancies between EHIPS and camp file data for camps' opening and closing dates. In Westchester County, we identified 19 instances in 2001 in which the opening and/or the closing dates noted in the LHU files for 15 camps varied from the dates entered on EHIPS; for 2002, there were date variances between EHIPS and camp files for 14 of the 15 camps. In Niagara County, we noted variances in date information for all four sampled camps in 2001, and for one of five camps sampled in 2002. We also identified eight date variances for the five camps we reviewed in Oneida County in 2002, and one variance in the files of five Schenectady County camps in 2002.

We also identified a number of instances in both 2001 and 2002 in which the date of the operational inspection on EHIPS did not agree with the date noted in the case file. In Westchester County, we noted variances in 4 of the 15 files reviewed in 2001 and in 5 of the 15 files reviewed in 2002. In Erie County, we noted inspection date variances in one of the eight files we reviewed in 2002.

The Department requires LHUs to issue permits and conduct pre-operational inspections before camps open, and to conduct

operational inspections after camps have opened. For Department and regional officials to be able to use EHIPS data to monitor whether LHUs are performing these functions in a timely manner, the dates on EHIPS, along with other permit-issuance information, must be accurate.

According to both Bureau and LHU officials, there are several reasons why EHIPS data may differ from data in the camp files. The most prevalent reason cited was unintentional data entry errors. We identified several instances of typographical errors. According to officials, errors can also occur when staff enter certain information, such as an opening date, and do not correct the entry if the camp actually opens on a different date. Officials also stated that inspectors sometimes unintentionally enter the date they are working on the system as the date of the activity. To provide for accurate EHIPS data, Department officials should establish a quality assurance function to detect and correct such errors, and offer training to inspectors who use the system.

When we asked Department officials how they monitored LHU activities related to permit issuance for children's camps, officials told us they used quarterly performance reports, which they generate from EHIPS data. The Department requires the LHUs that do not use EHIPS to send the Bureau summary information, in either electronic or paper form, about their permit-related activities. Bureau staff enter this data in EHIPS so the performance measures report includes input from LHUs statewide. However, when we reviewed copies of these quarterly performance reports, we found they have little value for monitoring LHUs activities because they:

- report only summary information that cannot show whether specific camps have been inspected or issued permits;
- are issued too late to be helpful in detecting and correcting problems; and
- are derived using EHIPS data, which is incomplete and inaccurate.

The quarterly performance reports do not provide data about LHUs' specific activities, or indicate whether permits have been granted to individual children's camps. The report is instead a statistical summary that covers all the regulated programs for a specific county. For example, the report contains county-wide statistics, such as the total number of active operations in the

county, the total number of active operations under permit and the total number of operations inspected. Although this summary information may be useful for some purposes, Bureau and regional offices cannot use it to monitor the activities LHUs must perform for the permit-granting process for all the children's camps in their jurisdiction. In addition, because the Department does not receive and tabulate this data until after the children's camps have closed, the reports are of no use for control purposes. Even if data in the report did indicate a problem, many of the children's camps would be closed before such problems could be addressed.

Our review of a sample of performance measures reports found these reports contained additional errors. For example, a report for Dutchess County, printed in August 2002, showed 55 active children's camps, but indicated that only 48 camps had been issued permits. Bureau officials said data for the seven missing camps might not have been entered into EHIPS. In another example, a 2001 report for Albany County showed 37 active children's camps, 9 camps with permits issued and no camps without permits. Bureau officials also attributed this variance to inspectors' not entering permit issuance dates in EHIPS. However, during a later site visit to Albany County, we found there were, in fact, 59 active children's camps in Albany County in 2001.

Because of the above limitations, the performance measures report is not an adequate tool for determining whether LHUs are effectively and timely performing the various steps involved in granting permits to individual children's camps in the LHU's jurisdiction. The Department could, with the right monitoring tool and more reliable EHIPS data, effectively oversee the permit-granting process – at least for the LHUs that enter detail data on EHIPS. However, for the seven LHUs that do not use EHIPS, the Department does not have the potential for regular monitoring of LHUs' performance, since these LHUs are required to report only summary performance data on a quarterly basis. Bureau and Department regional office officials said they do not receive any detailed information from these LHUs.

Since the Department does not receive such information, we asked Department officials to obtain lists of children's camps and inspection dates for 2001 and 2002 from officials in Monroe, Orange and Suffolk Counties, three LHUs that do not use

EHIPS. We then reviewed this data to determine whether all three LHUs did pre-operational inspections of children's camps on time (before they opened and before they were issued permits), and whether they conducted an operational inspection (when the camp was open) in compliance with the Law's requirements. Although we did not identify any problems in the data supplied by Orange County, we did find problems with inspection timeliness in both Monroe and Suffolk counties.

In Monroe County, we found that 7 of 69 children's camps granted permits in 2001 did not get pre-operational inspections until after they had opened: 6 of these camps were inspected the day the camp opened, and 1 was inspected the day after opening. In 2002, 12 of 71 children's camps were inspected late: 8 were inspected on opening day, and 4 were inspected the day following opening day. Monroe County officials attributed the lateness of the inspections to the fact that the camps were late in supplying application materials. In Suffolk County, we determined that 31 of the 128 children's camps granted permits in 2001 did not receive operational inspections as required, and 6 of 132 children's camps did not receive an operational inspection in 2002. Since Department officials do not obtain or review reports of inspection activities and other details, they were not aware that camps in Monroe and Suffolk Counties had either not been inspected before opening, or had not received operational inspections. For the Department to obtain adequate assurance that children's camps are safe places for children, it must be able to review the actions of LHUs, such as inspections, that provide this assurance. At a minimum, Department officials could obtain and review detail data as we did during this audit. Ideally, the Department should require that all LHUs enter such data in EHIPS, since EHIPS is designed to enable ready access to the information officials need to oversee LHU activities statewide.

EHIPS has significant potential for monitoring purposes. Department officials could use data in EHIPS to determine whether permits were issued to camps before their opening and whether inspections (both pre-operational and operational inspections) were conducted timely. For example, we used EHIPS to identify eight children's camps in Erie County that were issued permits in 2002 before officials conducted the required pre-operational inspection. (Erie County is not an EHIPS user, but EHIPS nonetheless contains a limited amount of data about permit-related activities at Erie County children's

camps.) During a later site visit to Erie County, we were able to confirm that 7 of the 8 camps were, in fact, issued permits before they received pre-operational inspections, as indicated by EHIPS data. However, EHIPS data was incorrect for the eighth camp, because the permit date on EHIPS differed from the date the permit was issued.

EHIPS is also capable of generating a number of reports that could be used for monitoring purposes. For example, EHIPS can produce reports to identify camps that have not been inspected, plans that have not been reviewed and camps that have been cited for public health violations. We generated an *Inspection Not Completed* report using EHIPS for all LHUs for the period January 2001 through October 2002. After identifying those LHUs with children's camps that had not been inspected, we examined specific inspection data maintained on EHIPS for each camp to determine if these camps had, in fact, been inspected. Based on our review, we identified 57 camps that had not been inspected at 12 LHUs. We followed up with officials at the 12 LHUs to determine whether the information obtained from EHIPS for these 57 camps is complete and accurate. As a result of this follow-up, we determined that only 4 camps were not inspected as required (1 each in Chautauqua, Erie, Oneida and Rockland); the remaining 53 children's camps had been inspected or were not active in that year. In these 53 instances, the occurrence of an inspection did not appear on the EHIPS report because the inspection data was either not entered, or improperly entered, on EHIPS.

We also identified a number of other problems during this follow-up process. For example, in Erie County, we were unable to determine whether officials issued permits to eight sampled camps before they opened in 2001, because these permits were not dated and data related to the permits had been deleted from Erie County's database. We also identified one instance in which a camp in Tioga County was allowed to operate for nine days before receiving its operating permit from the LHU.

By using EHIPS to produce exception reports, the Department could identify problems, and then target its limited resources to follow up and resolve those problems. However, Department officials must first take steps to improve the accuracy and completeness of EHIPS data to be able to use EHIPS reports to monitor LHU activities. Since a monitoring tool is only as

effective as the information it uses, EHIPS has limited value for monitoring purposes until EHIPS contains comprehensive, complete and accurate information about the permit-issuance activities of all LHUs.

Periodic Reviews of LHU Activities

Department officials should visit LHUs on a periodic basis to determine whether LHUs receive and maintain camps' safety plans and document the activities they perform to inspect children's camps and issue permits as required by Law. Such site visits would be important, regardless of the reliability of EHIPS data, to confirm the existence of required permit-issuance documentation and to follow up on any performance problems. However, given the unreliability of EHIPS data, such visits would be an essential means of monitoring compliance with the Law. However, Department officials said they do not have formal procedures for conducting site visits to LHUs, and our visits to LHUs identified serious deficiencies in various aspects of the permit-issuing process.

We conducted site visits during this audit to determine if LHUs had issued permits, reviewed and approved required written plans, and conducted inspections of children's camps as required by the Law and Code. As noted earlier in this report, we visited seven judgmentally selected LHUs (Erie, Nassau, Niagara, Oneida, Onondaga, Schenectady and Westchester Counties) to review the permits issued to children's camps in those LHUs during 2001 and 2002. In total, these 7 counties were responsible for 602 camps. From this number, we selected a random sample of 60 camps for our review; 55 of these camps were in operation during 2001 and 58 were in operation during 2002.

Permit Application

The Law states that no person or entity can operate a children's camp without first obtaining a permit. According to the Code, the camp operator must apply for a permit to operate a children's camp at least 30 days before the first day of camp. According to Department guidance, the application must include the following:

- a completed application form;
- a written safety plan;

- the Director's Clearance Form;
- the Director's Certified Statement; and
- a Facility and Staff Description form.

The LHU forwards the Director's Clearance Form to the Office of Children and Family Services (OCFS) so OCFS can verify that the camp director does not appear on the State Central Register of Abuse and Maltreatment. Before the camp opens, the LHU is supposed to receive a letter from OCFS confirming that the camp director is not on the Register. The Director's Certified Statement asserts whether or not the camp director has ever been convicted or is presently charged with a crime. If applicable, operators must also include a self-inspection form, a fee determination schedule, a non-community water report and a report on the operation of a pool.

At each of the LHUs in our sample, we reviewed the application materials (as received from both the sampled camps in their applications and OCFS) to determine whether the LHUs had received all required documentation in both 2001 and 2002 for the 113 camps in our sample. In 27 of the 113 files we reviewed, we found that one or more of the required forms had either not been submitted or was not contained in the file. Of the 27 exceptions we noted, 18 involved missing clearance letters from OCFS and 9 were missing one or more other required documents.

Each of the 113 files should have contained letters from OCFS in response to the Director's Clearance Forms, since the LHUs need this confirmation for assurance that the camp director has no history of child abuse. However, we identified 18 instances in which this form was missing from the camp file because the LHU had not received a response from OCFS. In another 53 instances, LHUs did receive the letter, but received it late: 50 letters were received after the camp had started operations, and 3 letters were received after the camp had closed for the season. All 71 of the above camps were granted operating permits, despite the fact that LHUs had not received the required OCFS letters before issuing the permits. Given the implications for the safety of children at camps, Department and LHU officials should make certain that LHUs submit Clearance Forms to OCFS promptly, and then follow up with OCFS when there are delays in receiving confirmation letters.

We also tested our sampled camp files for the existence of written safety plans. A written plan is supposed to be prepared to help ensure the safety of campers and staff. The Code states that an application for a permit to operate a children's camp must include a written plan which accurately describes the camp's medical, fire safety and general safety provisions, training provided to camp staff and the orientation for the campers. The plan must be reviewed annually by the camp operator and updated as required to maintain compliance with current standards. Updated plans must be submitted to the LHU on a yearly basis. In any year in which an update is not required, the camp operator must affirm to the LHU in writing that the approved plan remains up-to-date and complete.

Department officials also issued a revised written guide in February 1999, which provides county health officials details on what information is to be included in the written plans. According to the guidelines and the Code, a written plan shall consist of, at a minimum, a table of contents and the following areas: Personnel; Facility Operation and Maintenance; Fire Safety; Medical Requirements; General and Activity Specific Safety; Staff Training; and Camper Orientation. Each of these areas has component elements. For example, under Fire Safety, there are requirements for an Evacuation Plan, Fire Prevention, Electrical Safety and Fire Drills and Logs. Department officials have also developed a checklist for use by both the camp operators and Department staff to determine if the plans include all required elements.

In conducting our review at each LHU, we determined whether plans were: on file; contained all required sections; and were reviewed and approved by LHU staff. At each LHU visited, we identified written plans that were missing one or more elements in each of the required areas. For 2001 and 2002, we reviewed 107 plans (49 in 2001; 58 in 2002) at the seven counties at which we conducted site visits. We identified 60 plans (27 in 2001; 33 in 2002) that were missing one or more required elements. We identified at least one plan at each county that was not complete. For example, we identified:

- one plan in Schenectady County that did not address the following elements in the Fire Safety area: electrical safety, fire alarm, detection and reporting, and exit maintenance;

- one plan in Niagara County that did not address any of the required elements in the Facility Operation and Maintenance area;
- one plan in both Schenectady and Erie Counties that did not contain any of the required elements for either the Camper Orientation or Staff Training areas; and
- one plan in both Westchester and Nassau Counties that did not contain any of the required elements for the Camper Orientation area.

The Code also specifies that the LHU must review and approve the written plans the operators submit. LHUs should maintain documentation of their review. However, we identified 86 instances in which there was no evidence that LHU officials had reviewed or approved the written plans.

Inspections of Children's Camps

The Law and Code require that each children's camp be inspected twice yearly. Accordingly, a brochure issued by the Department, entitled "Children's Camps in New York State," states that LHUs are to conduct two inspections of each children's camp each year. Department officials indicated that these two inspections are a pre-operational inspection, conducted before the camp opens and an operational inspection, conducted while the camp is in operation. In addition, according to a Department environmental health manual, the LHU can allow a children's camp operator to conduct its own pre-operational inspection (self-inspection) if a camp meets the following criteria:

- the inspection history for the last five years reflects few, if any, violations at the camp;
- a review for the last five years shows that there were no public health hazards or serious injuries, reportable outbreaks of illness, or deaths at the camp; and
- the camp operator submits a certification of self-inspection.

During our review, we identified two camps in Westchester County that were missing pre-operational inspections, one in 2001 and the other in 2002. We also identified two camps in Erie County with inspection checklists for 2002 that were dated, but not completed, for pre-operational inspection. In addition, we

identified one camp in Erie County that was allowed to open before it had received its pre-operational inspection.

Before our site visit to Nassau County, we reviewed a list of children's camps operating in 2001 and 2002 and related inspection details for these camps. During this review, we noted a total of 21 instances in which camps had not received either a pre-operational or an operational inspection. When we reviewed this information with Nassau County officials during our site visit, we determined officials had conducted only one inspection at 9 of the 21 children's camps. They described this one inspection as a combined pre-operational/operational inspection. Department officials told us this practice is unacceptable, since all children's camps should be inspected twice annually.

Finally, Westchester County was the only county we visited that allowed children's camps to conduct their own pre-operational inspections. We found that one of the sampled camps conducted its own pre-operational inspection, even though it did not meet the criteria for doing so. In this camp's previous operational inspection, Westchester County officials cited the camp for three public health hazards.

Recommendations

1. Require all LHUs to use EHIPS.
2. Require the LHUs that are not now using EHIPS to submit periodic reports of detailed permit-related activities to the regional offices to enable Department officials to assess whether LHUs are issuing permits and inspecting children's camps as required by Law.
3. Provide all LHU personnel with additional training on using EHIPS, including direction on what type of children's camp data to enter on EHIPS, and how to enter it correctly.
4. Train Department officials to use EHIPS to monitor the completeness and timeliness of LHUs activities, and to follow up and resolve EHIPS exceptions to make sure all children's camps are properly inspected and issued permits before admitting children.

Recommendations (Cont'd)

5. Conduct periodic reviews of the EHIPS system and the data entered on EHIPS to determine if system data is complete and accurate.
6. Develop formal procedures for conducting routine site visits to LHUs, to determine LHU compliance with applicable laws and regulations related to the permitting, inspection and operation of children's camps.
7. During site visits, confirm that LHUs are granting permits and performing inspections as required by Law by making certain that:
 - data entered on EHIPS is complete and accurate;
 - required application materials are submitted in a timely manner;
 - all children's camps are issued permits and receive pre-operational inspections prior to opening;
 - children's camps conducting pre-operational self-inspections meet eligibility criteria;
 - written plans contain all required elements and are reviewed and approved by LHUs before camps open;
 - all children's camps receive operational inspections as required; and
 - children's camps cited for public health hazards correct these deficiencies as required.
8. Instruct LHUs to contact either the Department or OCFS when Director's Clearance Forms are not returned timely.

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Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

March 7, 2003

Kevin M. McClune
Audit Director
Office of the State Comptroller
110 State Street
Albany, New York 12236

re: Draft Audit 2002-S-24

Dear Mr. McClune:

Attached are comments in response to your draft audit report relating to the comments on Oversight of Children's Camps (2002-S-24). Thank you for the opportunity to comment at this stage in the audit process.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Whalen', written over a horizontal line.

Dennis P. Whalen
Executive Deputy Commissioner

Enclosure

**Department of Health
Comments on the
Office of the State Comptroller's
Draft Audit Report
2002-S-24 Entitled
"Oversight of Children's Camps"**

The following are the Department of Health's comments on the Office of the State Comptroller's (OSC) Draft Audit Report of the Department of Health's Oversight of Children's Camps. Comments are separated into two sections: Section (I) contains responses to overall findings and conclusions that are viewed as incorrect or involve erroneous interpretation and Section (II) contains the Department's response to the audit report's eight specific recommendations.

I. Section I – Response to Findings and Conclusions

The Executive summary indicates that "...the Department does not visit local health units (LHU's) on a periodic basis..." For clarification, the Department's Regional office staff have visited every LHU between one and five times per year, with an average of three visits to each LHU per year.

*
**Note
1**

There is a need to understand that EHIPS is an evolving system. The Department is actively modifying it to meet the needs of those entering information and those that use the information to evaluate local health department performance. The Department disagrees with the conclusion that it is not being used as an effective tool to monitor LHU activities and can state that the system has enabled staff to monitor LHU activities to an unprecedented degree.

*
**Note
2**

II. Section II - Responses to OSC's specific recommendations are provided below.

Recommendation #1:

Require all LHUs to use EHIPS.

Response #1:

Reporting requirements for LHU performance for State Aid reimbursement purposes is governed by Subpart 40-1 of 10NYCRR. Universal use of EHIPS by all LHUs has been intensely promoted and supported by the Department. Efforts will continue to revise Subpart 40-1 to specify mandatory reporting system use.

Response #1 continued:

The Nassau and Westchester County Health Departments have recently agreed to use EHIPS. The addition of these two large urban counties to the database will greatly increase the usefulness of information contained within for program planning, as well as serve as an example that large counties can smoothly switch.

Recommendation #2:

Require the LHUs that are not now using EHIPS to submit periodic reports of detailed permit-related activities to the regional offices to enable Department officials to assess whether LHUs are issuing permits and inspecting children's camps as required by Law.

Response #2:

The Department will develop an electronic report to be submitted prior to July 1 for assurance that pre-operation inspections have been completed and permits have been issued. A similar electronic report for operational inspections will be required to be submitted by September 1.

Recommendation #3:

Provide all LHU personnel with additional training on using EHIPS, including direction on what type of children's camp data to enter on EHIPS, and how to enter it correctly.

Response #3:

The Department will train all LHU staff on the use of EHIPS and continue to develop a detailed training schedule for 2003.

Recommendation #4:

Train Department officials to use EHIPS to monitor the completeness and timeliness of LHUs activities, and to follow up and resolve EHIPS exceptions to make sure all children's camps are properly inspected and issued permits before admitting children.

Response #4:

The Department will train regional office and Bureau staff on the use of EHIPS to monitor the completeness and timelines of Local Health Department permit issuance and children's camp inspection activities. Training will be completed within a few months.

Recommendation #5:

Conduct periodic reviews of the EHIPS system and the data entered on EHIPS to determine if system data is complete and accurate.

Response #5:

Beginning in 2003, the Department will institute periodic reviews of samples of EHIPS system data against LHU files and inspection reports by the regional offices to ensure that data is accurate and complete. The Bureau, in conjunction with the DEHP, will develop a protocol for this sampling and review, and train regional staff in its performance.

Recommendation #6:

Develop formal procedures for and conduct routine site visits to LHUs.

Response #6:

The Department's DEHP will develop formal procedures by April 1, 2003 for conducting routine site visits to LHUs.

Recommendation #7:

During site visits, confirm that LHUs are granting permits and performing inspections as required by Law by making certain that:

- data entered on EHIPS is complete and accurate;
- required application materials are submitted in a timely manner;
- all children's camps are issued permits and receive pre-operational inspections prior to opening;
- children's camps conducting pre-operational self inspections meet eligibility criteria;
- written plans contain all required elements and are reviewed and approved by LHUs before camps open;
- all children's camps receive operational inspections as required; and
- children's camps cited for public health hazards correct these deficiencies as required.

Response #7:

Through the regional offices and DEHP, the Department will institute a quality assurance program in accordance with the above recommendation.

Recommendation #8:

Instruct LHUs to contact either the Department or the Office of Children and Family Services (OFCS) when Director's Clearance Forms are not returned timely.

Response #8:

The Department's existing policy is contained in the Center for Environmental Health (CEH) Manual Procedure BCSFP 143 which already specifies procedures for follow-up. However, to further address the situations where DSS 3370 forms are not returned timely to the LHU by OFCS, CEH will develop guidelines for issuing a variance (allowing additional time to comply) to a camp, allowing for permit issuance when a camp director has been screened the prior year with satisfactory clearance from the OCFS. A review of other information, such as the New York State Division of Criminal Justice Services Sex Offender Registry Website will be recommended for use by regulators and camp administrators to screen directors, as well as other camp staff.

State Comptroller's Notes

1. Based on the Department's response that regional office staff visit each LHU between one and five times per year, with an average of three visits to each LHU per year, we have amended the text of our report, including Recommendation 6, accordingly.
2. As stated in our report, EHIPS has significant potential for monitoring purposes. However, our findings support the conclusion that EHIPS has limited value as a tool for monitoring the permit-issuing activities of local health units because it is not comprehensive, complete or accurate.