



Ohio Legislative Service Commission

Bill Analysis

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H.B. 352

130th General Assembly
(As Introduced)

Reps. Hayes and Thompson, McClain, Derickson, Amstutz

BILL SUMMARY

- Exempts therapeutic wilderness camps from certification by the Department of Job and Family Services.
- Requires therapeutic wilderness camps to certify to the Director of Health that they meet specified minimum standards.
- Requires the Director to adopt rules establishing minimum standards for sanitation, shelter, fire safety, food preparation and storage, and emergency and disaster preparedness at therapeutic wilderness camps.
- Permits the Director to inspect therapeutic wilderness camps and to access their records or written policies.
- Specifies that persons responsible for a child's care in a therapeutic wilderness camp are subject to existing criminal records check requirements.
- Requires that administrators and employees of therapeutic wilderness camps report suspected child abuse or neglect.

CONTENT AND OPERATION

Exemption from certification

The bill exempts therapeutic wilderness camps from a requirement that they be certified by the Ohio Department of Job and Family Services (ODJFS).¹ It defines "therapeutic wilderness camp" as a structured, alternative residential setting for

¹ R.C. 5103.02.

children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which the children (1) are placed by their parents or another relative with custody and (2) spend the majority of their time either outdoors or in a primitive structure.

Under current law, with limited exceptions, any institution or association that receives or desires to receive and care for children for two or more consecutive weeks must be certified by ODJFS. It is likely that a therapeutic wilderness camp is considered an institution or association and classified as a children's residential center under rules adopted by ODJFS.² Extensive ODJFS regulations establish the certification process for children's residential centers and the specific criteria that those centers must meet.³ The bill exempts therapeutic wilderness camps from ODJFS certification by excluding them from the definitions of "association" and "institution" in the certification law.⁴

Regulation of therapeutic wilderness camps

Minimum standards

The bill requires that a therapeutic wilderness camp annually certify to the Director of the Ohio Department of Health (ODH) that the camp meets certain minimum standards. Those minimum standards are as follows:⁵

- The camp must comply with standards the ODH Director adopts in rules regarding sanitation, shelter, fire safety, food preparation and storage, and emergency and disaster preparedness.
- The camp must develop and implement a written policy that establishes (1) standards for hiring, training, and supervising staff, (2) standards for behavioral intervention, including standards regarding the use of restraints or isolation, (3) standards for recordkeeping, including specifying information that must be included in each child's record, who may access records, confidentiality, maintenance, security, and disposal of records, and (4) a procedure for handling complaints about the camp from the children attending the camp, their families, staff, and the public.

² Ohio Administration Code (O.A.C.) 5101:2-1-01(B)(47).

³ O.A.C. 5101:2-9-02 through 5101:2-9-36.

⁴ R.C. 5103.02.

⁵ R.C. 3701.90.



- The camp must cooperate with any request from the ODH Director for an inspection or access to the camp's records or written policies.
- The camp must comply with criminal records check requirements.
- Administrators and employees of the camp must comply with mandatory child abuse reporting requirements.

The Director of Health is required by the bill to adopt rules establishing minimum standards for sanitation, shelter, fire safety, food preparation and storage and emergency and disaster preparedness. The rules must be adopted in accordance with the Administration Procedure Act (R.C. Chapter 119.), which requires public notice and hearings.⁶

It appears that therapeutic wilderness camps will also have to comply with current rules for "resident camps." Under existing law, resident camps must meet requirements that ODH adopts under its general authority to regulate the public health.⁷ Under ODH rules, "resident camp" is a facility primarily utilized for the purpose of camping that requires overnight residence.⁸ The rules require that a resident camp receive an annual permit from the local board of health, that the camp be inspected by the local health commissioner before the permit is issued and annually thereafter, and that the camp meet various other health and safety requirements.⁹

Inspections

The bill authorizes the Director of Health to inspect a therapeutic wilderness camp at any time and to delegate this authority to a board of health. The Director may request access to the camp's records or to policies adopted under the bill. This authority also may be delegated to a board of health.¹⁰

Criminal records check requirements

Existing law requires a person responsible for a child's care in out-of-home care to undergo a criminal records check.¹¹ Out-of-home care includes residential camps.

⁶ R.C. 3701.901.

⁷ R.C. 3701.13 and 3701.34, not in the bill.

⁸ O.A.C. 3701-25-01.

⁹ O.A.C. 3701-25-01 through 3701-25-22.

¹⁰ R.C. 3701.901.

¹¹ R.C. 2151.86, not in the bill.

Because the Revised Code defines "residential camp" as a program for recreational or recreational and educational purposes, it is not entirely clear that a therapeutic wilderness camp is a residential camp under the definition.¹² The bill adds therapeutic wilderness camps to the settings that are considered to be out-of-home care, thereby subjecting their employees and others who care for children to criminal records check requirements.¹³

Mandatory child abuse reporting

The bill adds administrators and employees of therapeutic wilderness camps to the persons required to report suspected child abuse to a public children services agency or law enforcement officials.¹⁴ Existing law includes this requirement for residential camps.

Compulsory school attendance

The bill specifies that a parent of a child attending a therapeutic wilderness camp is not relieved of the parent's legal obligations regarding compulsory school attendance.¹⁵

HISTORY

ACTION	DATE
Introduced	11-14-13

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¹² R.C. 2151.011(B)(45).

¹³ R.C. 2151.011(B)(29).

¹⁴ R.C. 2151.421.

¹⁵ R.C. 3701.902 and 3321.04, not in the bill.

