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CAMPS ARE NOT IMMUNE TO THE IMMUNIZATION DEBATE

A fundamental tenet held by all in the camping industry is to provide a safe and healthy environment for all campers and staff alike. What happens when that fundamental principal runs opposite to one's religious beliefs or a medical condition? That is the current dilemma in light of the increase in cases of vaccine-preventable diseases ("VPD") (most notably, measles) in the United States. According to the Centers for Disease Control and Prevention ("CDC"), from January 1 to April 26, 2019, 704 individual cases of measles have been confirmed in 22 states. This is the greatest number of cases reported in the US since 1994 and since measles was declared eliminated in 2000. These statistics confirm the widespread and serious nature of this issue, which is magnified in a camping universe consisting of children and adults from different states, countries, backgrounds and religious beliefs. The diversity that makes camp so special and unique could also complicate a serious health and legal issue, if not carefully navigated by the camp.

All 50 states and the District of Columbia have state laws addressing vaccination requirements for public schools. While the state laws vary, as a general matter, all school immunizations laws grant exemptions for children for medical reasons and many have exemptions for religious beliefs. Though state legislation on school required vaccinations can be instructive and educational for camps, it is not necessarily binding. As a general matter, in most states, a private camp has the legal right to require that all campers and staff have specified immunizations as a pre-requisite to working at or attending camp. To this end, in addition to the CDC's recommendations on vaccinations, several State Health Departments have "strongly recommended" that camps impose a vaccination requirement policy for all individuals working at or attending summer camp. Please refer to your state's Department of Health website for state specific information and recommendations, including any state specific requirements concerning mandatory vaccinations and exemptions.

While the ultimate decision on requiring vaccinations "currently" rests with each individual camp (subject to the state law in which your camp is located), here are some best practices which should be universally implemented in conjunction with that decision:

- **Policy:** Establish a written vaccination policy which can be reasonably implemented and enforced. Consider what exceptions, if any, the camp will allow and the impact of any such exception. Also consider what "proof" the camp will accept as confirmation of a vaccination. Senior staff, foreign staff and foreign campers may be unable to provide Certificates of Immunization, which are commonly available for school age children in the United States. What will your camp accept? A vaccination policy, like all policies, should be continually reviewed and reevaluated based on updated information, facts and practical experience to insure that the policy is resulting in its objective, i.e., to provide a safe and healthy summer environment.
- **Education:** Familiarize yourself with the "facts" regarding communicable diseases and VPDs. Speak with medical professionals and legal counsel to understand the impact (medically and legally) of an outbreak in camp and what methods (medically and legally) can be utilized to mitigate against the likelihood of an outbreak. Educate your staff prior to the camp season so that it can recognize the symptoms of a VPD. The ACA and CDC websites are useful resources for information and should be reviewed in conjunction with implementing and/or updating your policy.

- **Record Keeping:** The maintenance of medical information on campers and staff is vital to maintaining a safe and healthy summer environment. Many states require, as a matter of law, that a camp maintain immunization records for all campers. A better practice is to expand the record keeping policy to include staff. Good record keeping starts with good record taking so continually revisit your record taking policies to secure the most accurate and complete information for anyone at camp.
- **Screening:** Consider a screening process for all campers and staff upon arrival at camp. A first-day of camp screening policy should run part and parcel with the overall vaccination policy and address the camp's right to refuse admission to anyone that poses a communicable disease threat.
- **Response and Reporting Policy:** Proactively implement a policy to respond to an "incident" to contain the exposure and mitigate against an outbreak. Since most State Health Departments require that a VPD incident be reported to the local health department, a reporting requirement should be included herein as part of this policy.

While there is no fail safe method or guaranteed procedure to protect against a VPD, or other communicable illness, proactively addressing this issue, as outlined above, provides the greatest likelihood of success in furtherance of everyone's goal, a safe and healthy summer!



About the Author:

Lee J. Sacket is a Partner at the law firm of L'Abbate Balkan Colavita and Contini, with offices in New York and New Jersey. In addition to representing camps, he practices in the areas of commercial litigation, professional liability litigation, general liability and insurance defense litigation. He counsels his clients regularly on risk management and presents seminars tailored to their specific practices.