



September 2, 2021

Family, Children, and Adult Services Manual Transmittal Letter No. 471

TO: Family, Children, and Adult Services Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: **Five Year Rule Review and Amendments to Ohio Administrative Code Rule 5101:2-9-40**

This letter transmits the five-year review of Ohio Administrative Code (OAC) 5101:2-9-40 that addresses requirements for a Private Noncustodial Agency (PNA) related to the permitted operations of a private, nonprofit therapeutic wilderness camp. This rule will become effective October 1, 2021.

OAC 5101:2-9-40 entitled **Private, Nonprofit Therapeutic Wilderness Camps** provides guidance on the requirements for the operation and safety of a private nonprofit therapeutic wilderness camp. Revisions were made to provide guidance on the credentials permissible for the wilderness camp administration and wilderness first aid training for the child care staff.

INSTRUCTIONS:

The following chart depicts what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
FOSTER CARE LICENSING	5101:2-9-40	5101:2-9-40
TRANSMITTAL		FCASMTL 471

5101:2-9-40

Private, nonprofit therapeutic wilderness camps.

(A) As used in this rule:

- (1) "Base camp" means the permanent or semi-permanent structure at which the basic needs for camp operation, such as resident housing, water supply and septic systems, permanent toilet and cooking facilities, are provided.
- (2) "Mobile camp" means a portion of the base campsite premises or another site at which the basic needs for camp operation, such as water supply systems, permanent toilet and cooking facilities or other permanent structures, are not provided and in which a child stays no longer than twenty-one days before returning to the base camp.

(B) A private noncustodial agency (PNA) operating as a private, nonprofit therapeutic wilderness camp (PNTWC) shall comply with all applicable rules of Chapters 5101:2-5 and 5101:2-9 of the Administrative Code. If there is a conflict between a requirement of any provision in this rule or any provision of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, the provisions of this rule shall take precedence.

(C) The person employed as the administrator of a private, nonprofit therapeutic wilderness camp (PNTWC) is to meet at least one of the following requirements:

- (1) At least six years of experience at a therapeutic wilderness camp, including at least four years management or supervision of child care personnel and other qualifications and experience as determined by the governing body in writing.
- (2) An associate's degree from a college or university accredited by a nationally recognized accrediting organization with at least four years of experience, including two years management or supervision of child care personnel.
- (3) A bachelor's degree from a college or university accredited by a nationally recognized accrediting organization.

~~(C)~~(D) A PNTWC shall provide a copy of a map for the entire camp to ODJFS.

~~(D)~~(E) Child care staff at a therapeutic wilderness camp shall, as part of the initial orientation training requirements of rule 5101:2-9-03 of the Administrative Code, obtain training in the following:

- (1) Wilderness weather emergency and precautions and procedures.
- (2) Water safety.

(F) A PNTWC will ensure there is a child care staff qualified in wilderness first aid to care for children both at base camp and on excursions away from base camp.

~~(E)~~(G) A base camp shall comply with all inspection and safety standards of a residential facility set forth in Chapter 5101:2-9 of the Administrative Code unless the requirements are modified by this rule or statute. A mobile camp does not have to meet the standards of Chapter 5101:2-9 of the Administrative Code, but it shall comply with the additional requirements set forth in this rule.

~~(F)~~(H) A child shall meet the following criteria to be eligible for admittance to a PNTWC:

(1) Be ten years old or older. The PNTWC may admit a nine year old if the child has been evaluated by a certified professional with no direct affiliation to the camp and the certified professional approves the placement.

(a) For children under age thirteen, the PNTWC shall only place the children in a program component designed for this age group.

(b) Factors for determining the program component for the child shall be, at a minimum:

(i) Age.

(ii) Developmental level.

(iii) Physical maturity.

(iv) Social maturity.

(v) Behavioral maturity.

(vi) Cognitive level.

(vii) Diagnosis, if any.

(viii) Individual needs of each child.

(2) Be experiencing emotional, behavioral, moral, social or learning difficulties as reported by the parent or another relative having custody.

(3) Be willing to participate in the camp. The agency shall document the child's willingness to attend the camp.

~~(G)~~(I) A PNTWC shall not admit:

- (1) An adult.
 - (2) A child who is pregnant. If a child becomes pregnant while in care, the camp shall arrange for the child's immediate discharge.
 - (3) A minor parent with his or her child.
 - (4) A child with primary medical needs or other medical conditions that cannot be easily provided to the child at the base campsite or during mobile camping excursions.
 - (5) A child diagnosed with a severe pervasive developmental disorder which would limit the child's ability to function in the camp environment.
 - (6) A child for child day care services.
- ~~(H)~~(J) A child shall not be left unsupervised at any time.
- ~~(H)~~(K) A PNTWC shall ensure that no child resides at the camp for more than twelve consecutive months unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. In order to ensure the safety, health and care of a child residing longer than twelve consecutive months, the PNTWC shall obtain:
- (1) A report of a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.
 - (2) A report of a psychiatric or psychological examination conducted by a psychologist, psychiatrist or other appropriately licensed professional with no direct affiliation to the camp. Any written documentation of the psychiatric or psychological examination shall be completed by the individual who conducted the examination.
- ~~(H)~~(L) A PNTWC shall cooperate with any request from the director or designee for an inspection or for access to records or written policies of the camp.
- ~~(K)~~(M) A PNTWC shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe structure guarded from the weather event.
- ~~(H)~~(N) A PNTWC shall ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff

supervision. All sharp tools used in the camp, including axes and knives shall be locked during sleeping hours.

~~(M)~~(O) A base camp may use a wood burning stove for heating purposes if approved by the fire inspector.

~~(N)~~(P) A base camp shall have a type of indoor and outdoor illumination available for all structures.

~~(O)~~(Q) A base camp is not required to have a hand rail for dirt steps built into a hillside.

~~(P)~~(R) A base camp is not required to have a hand rail for bridges that are no longer than eight feet and no higher than five feet from ground level.

~~(S)~~(S) A child shall have footwear, clothing and equipment to protect them from the environment and weather conditions. This equipment shall never be removed, denied, or made unavailable to a child. There shall never be a deprivation of any equipment as a consequence for the child's inability to perform an activity. Such equipment shall include:

- (1) Sunscreen.
- (2) Insect repellent.
- (3) A backpack if hiking on an excursion.
- (4) Personal hygiene items.
- (5) Feminine hygiene supplies.
- (6) Waterproof footwear.
- (7) Sleeping bags for a mobile camp:
 - (a) Sleeping bags rated for the current seasonal conditions when the average nighttime temperature is forty degrees fahrenheit or warmer.
 - (b) Sleeping bags rated for the current seasonal conditions, shelter and ground pad for colder months when the average nighttime temperature is thirty-nine degrees fahrenheit or lower and basic clothing to ensure a child's protection against seasonal change in the environment.
- (8) The camp shall provide children with clean clothing daily, launder clothing weekly and shall provide a means for children to bathe or otherwise clean their bodies a minimum of one time per day.

~~(R)~~(T) Sleeping arrangements at a base camp.

- (1) Children of the opposite sex shall not sleep in the same structure.
- (2) Staff shall not sleep in the same structure with children of the opposite sex.
- (3) Sleeping arrangements shall be approved by the fire inspector and shall meet the requirements set forth in rule 3701-25-09 of the Administrative Code.
- (4) Children shall be provided with proper bedding as appropriate for the season.

~~(S)~~(U) Bathrooms at a base camp.

- (1) A base camp shall have a minimum of one sink with hot and cold water, one flush toilet, and one bath or shower with hot and cold water per gender if the camp serves more than one gender.
- (2) Children of the opposite sex shall not use the same bathroom facility at the same time.
- (3) Staff shall not use the bathroom facility if children of the opposite sex are using the facility at the same time.
- (4) Each bathroom shall have toilet paper, towels or air dryers, soap, and wastebaskets available for use.
- (5) Bathtubs and showers shall have enclosures or screens which afford individual privacy.
- (6) When more than one toilet is located in the same bathroom, each toilet shall be partitioned and include a door capable of remaining closed.

~~(P)~~(V) A PNTWC shall comply with all nutritional requirements of rule 5101:2-9-20 of the Administrative Code except that the camp may deviate from the timeframe requirements listed in paragraph (A) of rule 5101:2-9-20 of the Administrative Code.

- (1) The PNTWC shall not allow more than five hours to elapse between meals and not more than fourteen hours between the evening meal and breakfast.
- (2) The PNTWC shall prepare menus at least one week in advance and shall demonstrate how the menu meets the minimum nutritional guidelines as set forth in rule 5101:2-9-20 of the Administrative Code.

~~(U)~~(W) In addition to the nutritional requirements of rule 5101:2-9-20 of the Administrative Code, a camp shall ensure:

- (1) Six quarts of potable water shall be available per person, per day, minimum, plus one additional quart per person for each five miles hiked. Although it is not required that the entire amount be hand carried, access to water shall be available at all times during hiking.
- (2) In temperatures above ninety degrees fahrenheit, staff shall make sure a child's intake is a minimum of three quarts of water per day, electrolyte replacement shall be available with a hiking group at all times.
- (3) In temperatures above eighty degrees fahrenheit, water shall be available for coating the child's body, and other cooling down techniques shall be available for the purpose of cooling as needed.
- (4) Water shall be available at each campsite. Water cache location information shall be verified with field staff before the group leaves camp each day.
- (5) Mobile camps shall ensure that all water from natural sources be treated for sanitation to eliminate health hazards.
- (6) A PNTWC shall obtain a food service license if required by the local health department.

~~(V)~~(X) Hiking.

- (1) Hiking shall not exceed the physical capability of the weakest member of the group.
- (2) The weight of a backpack to be carried by each child shall not exceed twenty per cent of the child's body weight. If the child is required to carry other items, the total of all weight carried shall not exceed thirty per cent of the child's body weight.
- (3) Hiking shall be prohibited at temperatures above ninety degrees fahrenheit. or at temperatures below ten degrees fahrenheit.
- (4) Staff shall carry thermometers which accurately display the current outside temperature.
- (5) If a child cannot or will not hike, the group shall not continue unless eminent danger exists. The reasons for refusal or inability to continue will be established and resolved before hiking continues. Program directors are responsible to train staff regarding this standard and to regularly monitor compliance.

~~(W)~~(Y) Any excursion shall have a plan including map routes, and anticipated schedules and times shall be carried by the field staff and recorded in the field office.

- (1) Staff shall maintain a signed, daily log or dictate a recorded log to be transcribed and signed immediately following the conclusion of the activity. All log entries shall be recorded in permanent ink and be made available to the Ohio department of job and family services (ODJFS) licensing specialist upon request.
- (2) The log shall contain the following information regarding the excursion:
 - (a) Accidents.
 - (b) Injuries.
 - (c) Medications.
 - (d) Medical concerns.
 - (e) Behavioral problems.
 - (f) Any unusual occurrences.

~~(X)~~(Z) A mobile camping excursion shall last no more than twenty-one days, after which children on the camping excursion shall return to the base camp.

- (1) Children must remain at the base camp at least ten days between mobile camping excursions and activities.
- (2) In addition to meeting the staff ratio requirements in rule 5101:2-9-02 of the Administrative Code, the camp shall have at least two staff present during any mobile camping excursion.
- (3) In a mixed gender group, there shall be a staff member of each gender with the group at all times during the excursion.
- (4) The camp may use privies and portable toilets in remote camping areas. The camp shall ensure that the privies and portable toilets are:
 - (a) Maintained in good repair and kept clean at all times.
 - (b) Constructed and maintained according to manufacturer designs and standards set forth by the department of health.
 - (c) Equipped with toilet paper at all times.

- (d) Serviced in accordance with the standards set forth by the department of health.
 - (e) Privies and portable toilet facilities not equipped with running water shall have a waterless alcohol-based hand sanitizer available for use inside or adjacent to the toilet facilities.
- (5) If the camp site is not provided with privies or other portable toilets, the camp shall comply with any requirements of the department of health regarding the proper disposal of human waste in these locations. There shall be a waterless alcohol-based hand sanitizer available for use.
- (6) While on a mobile camping excursion, the camp shall provide:
- (a) Personal hygiene supplies that are biodegradable.
 - (b) Means for a child to bathe or clean his or her body at least twice weekly.
 - (c) Females with hand sanitizing wipes or similar products as well as feminine products for feminine hygiene purposes.
 - (d) A way to launder clothes or provide clean clothes at least weekly.

Effective: 10/1/2021
Five Year Review (FYR) Dates: 6/25/2021 and 10/01/2026

CERTIFIED ELECTRONICALLY

Certification

08/31/2021

Date

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