



Town of Provincetown

Meeting of the

BOARD OF HEALTH

Wednesday, August 28, 2013

Judge Welsh Hearing Room, Provincetown Town Hall,
260 Commercial Street, Provincetown, MA

Board Members Present: Mark Phillips, Chair; Laurie Delmolino, Vice Chair; Elizabeth Williams and Dr. Janet Whelan

Board Members Absent: Ken Janson and Paige Mansfield, Alternate

Other attendees: Morgan Clark, Public Health and Safety Officer and Brian Carlson, Health and Environmental Affairs Manager

Call to Order Mark Phillips, Chair called the meeting to order at 2:00 p.m.

Appeal Hearing For The Order of Termination For Camp Lightbulb

Mr. Phillips read into the record the notice sent to Mr. Gordon "Puck" Markham operator of Camp Lightbulb by certified mail on August 23, 2013. (See Attached)

Puck Markham introduced himself as the founding director of Camp Lightbulb. He was accompanied by Maura Weir who is a youth suicide prevention manager and was on staff at the camp as the youth specialist. He stated that fundamentally he realized that the camp was not compliant with the camp license that they should have. His concern was that the termination order was a mix of issues of non-compliance, allegations which he believes are not true, and incidents that were quickly resolved which create a sense that not only were they not compliant, but they had no common sense and were endangering the campers. He proposed going through the termination order item by item.

He first voiced the following concerns regarding licensing and the inspection process:

- 1. Initially, the health inspector stated that there was no immediate concern for the well-being of the campers. Since then, there seems to be a different interpretation of the findings.**

2. When he was first setting up the camp two years ago, he went to Town Hall to determine if there was any specific license he needed. He was told that if you do not operate your own venue you do not need a license.

3. The inspection happened when he was not on site. When he arrived he learned that a complaint was made. He was not given the chance to speak confidentially about the matter. The staff and campers were informed before he was.

Mr. Phillips asked Brian Carlson to respond to the above comments and issues. Mr. Carlson responded, regarding Mr. Markham's inquiry about licensing, that he did not personally know what happened and it is unfortunate that misinformation was given out. Mr. Phillips clarified the point that the Town of Provincetown does not have regulations for camps. There are State regulations for licensing camps.

Morgan Clark and Detective Lobur responded to the question of confidentiality. Ms. Clark stated that after the inspection she did take Mr. Markham aside to speak with him about it. Detective Lobur stated that they later met with Mr. Markham at his office on Commercial Street to discuss the issues. Detective Lobur asked if the issue was the fact they had spoken to the counselors confidentially and apart from Mr. Markham?

Mr. Phillips interjected that the purpose of the hearing was an appeal. He suggested that be the focus of the conversation and that Mr. Markham should guide the board through the areas that he disagrees with.

Mr. Markham proceeded to go through item by item of the original Order of Termination, August 17, 2013.

- ***Operation without a License (105 CMR 430.750)***

Mr. Markham stated that they are working on being compliant and having it in place by the time they start operation for next year.

- ***Failure to Comply with the Provisions of 105 CMR 430.000 (105 CMR 430.752)***

Mr. Markham surmised these provisions were related to licensing

- ***Operator failed to develop or follow written procedures for the review of the background of each staff person and volunteer (105 CMR 430.090(A))***

Mr. Markham explained that he researched what type of background checks were necessary and staff was hired contingent on background checks. There was a procedure developed; it just was not a written policy.

- ***Operator failed to obtain CORI/Juvenile Report from the Massachusetts Criminal History Systems Board for all staff (105 CMR 430.090(C)(3)(b)) and volunteers (105 CMR 430.090(D)(3))***

Mr. Markham stated that he used an online service called Intellicorp. It is a nationwide background check service that does include a nationwide sex offender cross-check. He asserted that he did do background checks.

Mr. Phillips asked if Mr. Markham had any documentation regarding this. He replied that he could get it to him if Mr. Phillips wanted it. Morgan Clark explained that this was an issue because Mr. Markham did not have any documentation of the search at the time of the inspection. Detective Lobur added that the problem was it did not come from the State itself. Not all states provide information to these online data bases. This is why the regulations require it to come from the State itself.

- ***Operator failed to maintain a full account of written document verifying the background and character of each staff person and volunteer (105 CMR 430.090(E))***

Mr. Markham reiterated that they did background checks on staff and volunteers. He accepts that it did not follow the letter of the law.

- ***Operator employed and/or allowed to volunteer people whose background information was incomplete and/or not properly reviewed (105 CMR 430.090(F))***

Mr. Markham stated that although they did not have written records they checked references on everyone before camp started. There are written references on certain people and made calls. All volunteers were given background checks.

Dr. Whelan asked if Mr. Markham was denying that this violation was not true? Morgan Clark said that she received the front pages of the staff resumes, but nothing for the volunteers. She had no idea who the volunteers were and there was no documentation of the background checks. Mr. Markham had told her that a random sample of references on resumes were called.

- ***Written policies and procedures did not exist for the following circumstances:***
 - ***Discipline (105 CMR 430.191(B) & (C))***
 - ***Disaster Plan, including transportation (105 CMR 430.210(B))***

- *Lost Camper and Swimmers Plan (105 CMR 430.210(C))*
- *Plan regarding whom campers may be released to (105 CMR 430.190(B))*
- *Written camp medical policy, approved by the Local Board of Health and by the Camp Health Care Consultant (105 CMR 430.159(B)), including policies on daily health supervision, infection control, handling of emergencies and accidents, available ambulance services, provision of medical, nursing, and first aid services, the name of the designated on-site camp health supervisor, the name, address, and phone number of the camp health care consultant required by 105 CMR 430.159(E)*

Mr. Markham sent out code of conduct forms to be signed by all campers. A disaster plan was not written down. He relied on publicly available information. The handbook specifically addresses a lost camper and swimmers plan and also covers policy regarding who campers can be released to. The handbook covers the health care policy at length. The parents fill out a form as well as to what to do in case of a health emergency.

Mr. Phillips asked Morgan if she had reviewed the handbook? She stated that it did cover universal precautions and first aid; it did not specifically mention who the camp health supervisor is or who the medical director is. In response to Mr. Markham's comment that a swimmer plan is in the handbook, Morgan Clark pointed out that a plan should be quite specific and includes drills and this does not.

Ms. Weir added that they did have written and verbal policy regarding lost campers and who a camper could be released to. If there is something more that needs to be done she would appreciate guidance on it.

- *The following language was missing from Camp Lightbulb promotional literature and informational packets:*
 - *The camp policy pertaining to mildly ill campers, administration of medication, and the procedures for providing emergency health care (105 CMR 430.159(B)(2))*
 - *A statement on any promotional literature that says "This camp must comply with regulations of the Massachusetts Department of Public Health and be licensed by the local board of health" (105 CMR 430.190(C))*
 - *Information for parents that they may request copies of background check, health care, and discipline policies as well as procedures for filing grievances*

Ms. Weir responded that they did have a policy regarding mildly ill campers in the handbook and it was also discussed with the parents. A form was sent out to and signed by parents Arrangements would be made with the parents if the child had to be sent home.

Mr. Markham admitted that they had not been licensed by the local board of Health.

They did not have background check information available for parents. Forms for code of conduct were sent out as well as health care forms.

Mr. Phillips stated that although they did have certain forms there was not an overall written policy. A form would be just a part of the policy. At the Board's request Morgan Clark reviewed the letter sent to parents regarding camper health care. What she was looking for was the procedure pertaining to mildly ill campers, administration of medication and procedures for providing emergency health care. She stated that it may be argued that the handbook met the written policy guidelines, but if it did not go out to the parents, it did not meet the intention of the code.

- ***Camp Director (Puck Markham) has not completed a course in camping administration (105 CMR 430.102(A)(1)) or had at least two seasons previous experience as part of an administrative staff of a recreational camp for children (105 CMR 430.102(A)(2))***

Mr. Markham accepted this as true.

- ***Camp Operator (Puck Markham) did not inform all staff on duty as to who is responsible for administration of the camp at any given time. In the event of the absence of the director for more than 12 consecutive hours (camp director did not spend nights onsite at the campground) no designee was appointed at all, and none were de facto appointed who met the qualifications of 105 CMR 430.102(A) (105 CMR 430.102(D))***

Mr. Markham stated that there was a roster that made it clear who was in charge overnight and when he was not there.

Ms. Clark said there was the additional issue of when she and Detective Lobur went to the camp and asked to speak to who was in charge, none of the counselors could answer who it was. Ms. Weir stated that she was present overnight each week Thursday, Friday and Saturday. The staff knew she was there overnight when everyone was sleeping.

- ***The camp vehicle driver (Puck Markham) does not possess First Aid Certification (105 CMR 430.252(A))***

Mr. Markham said this was correct and will be addressed by next year.

- ***Camp Lightbulb has no Health Care Consultant (105 CMR 430.159(A))***

Mr. Markham said they operated under the assumption that they would go to Outer Cape Health, but this was a policy that wasn't written down.

- **Camp Lightbulb has no Health Supervisor on site at all times (105 CMR 430.159(C))**

Ms. Weir responded that she was confused as to the difference between health consultant and health supervisor. She has since discovered that having a masters in youth health was not enough. She has done camps many times and her qualifications were sufficient. Apparently, in this State it is not. She will address it herself.

- ***Camper medications were not stored in a locked storage cabinet (105 CMR 430.160(B)), rather they were initially kept in counselor tents for the first two weeks, and then in an unlocked drawer in the office for the third week of camp***

Mr. Markham conceded that was the way they dealt with medications. In order to become compliant they will correct that.

- ***Camper medications were not administered by a Health Supervisor or under the professional oversight of the Health Care Consultant (105 CMR 430.160(C)). Additionally, there is no written list of all the medications administered at camp.***

Mr. Markham stated that in discussions with parents he assured them that they would give the child required medications according to the parent's instructions. They never told the parents that a registered nurse was on site.

- ***No injury reports were provided or filed, even though counselors reported at psychiatric breakdown of one camper and the Camp Director/Operator reported one camper was taken to Outer Cape Health Services for dehydration (105 CMR 430.154). No injury reports were filed with the Massachusetts Department of Public Health.***

Mr. Markham stated they did follow their own procedure that the parents signed off on. In case of emergency they would get in touch with the parent and taking the course of action according the parent's wishes. This is what was done in the two instances that came up.

Dr. Whelan asked if even though a formal report was not made were the two issues documented?

In the case of dehydration it is documented at Outer Cape Health. In the case of the psychiatric issue there is an incident report filed by a counselor on record. The parent did consult on the phone and came later to pick up the camper. The parent was happy with the way it was handled. Ms. Weir said she did contact the State Dept. of Public Health who advised her that an injury report was not necessary. They would not categorize the psychiatric event or dehydration as an injury.

- *No medical log book was used or maintained (105 CMR 430.155)*

Mr. Markham admitted that they did not have a medical log book.

- *No infirmary was provided for campers or camp staff (105 CMR 430.161(A))*

Mr. Markham stated they did not have an infirmary.

- *No space was designated for isolation of a child with a communicable disease or suspected of such an illness or otherwise in need of quiet and rest, at a location suitably separated from the regular living and sleeping quarters so as to insure both quiet to the patient and safety to other persons (105 CMR 430.161(B))*

Mr. Markham stated they ran the camp throughout Provincetown. This was a non-traditional camp. To have a designated space would be complicated.

- *The first aid supplies that were provided were inadequate to meet the minimum standards of (105 CMR 430.161(C)), lacking at least bandage scissors, CPR mask, gloves*

Mr. Markham agreed some items were missing. The supplies got depleted over time. The main first aid kit was quite large. There were several smaller kits they carried around with them.

- *Inadequate health records were kept for each camper, so as to not meet the minimum standard of 105 CMR 430.150 including written authorization to administer medication, copies of injury reports, a certificate of immunization, a health history and report of physical examination conducted during the preceding 24 months (105 CMR 430.151)*

Mr. Markham pointed out that their health form does point out many of these points. They were kept on file. It did not comply with the specifics the regulations required.

- ***No records were available to ensure that all campers and staff received all required immunizations (105 CMR 430.152)***

Mr. Markham agreed that this information was not available on file.

- ***No food service permit was granted by the Provincetown Board of Health, nor did inspection or counselor reports indicate that camp food was stored or prepared in accordance with 105 CMR 590.000, the Minimum Standards for Food Establishments***

Mr. Markham stated that they used the kitchen of the Methodist Church except for breakfast, which was just cold foods. They followed common sense procedures with food preparation and storage. Ms. Weir added that they followed procedures to keep the food safe emptying the coolers, replenishing food as needed and throwing away anything left over.

Other Issues

Ms. Clark pointed out that these were not citations.

- ***While the operator did develop written procedures (in the Camp Lightbulb Handbook) for reporting any suspected incidents of child abuse and neglect, it is not clear that those procedures were followed in accordance with M.G.L. Chapter 119, Section 51A when an actual case occurred. The operator has in his records hand written notes on loose leaf paper in a folder in the office, but could not answer whether a 51A had been filed with the State.***

Ms. Weir stated that she had the individual who made the allegation write a statement as well as the person who heard the story. She wrote a statement about the incident and she and Mr. Markham spoke to the individual who then changed his story. When she contacted the Department of Children and Family Services she was told she did not have to file a 51A report.

Mr. Phillips stated that the point is there was not clear documentation of what occurred.

- ***It is not clear whether any aquatic, swimming, or watercraft activities conducted over the course of Camp Lightbulb occurred in compliance with the minimum standards listed in 105 CMR 430.204 and 105 CMR 430.103***

Ms. Weir said she that they hired a Provincetown company to provide these services. She is unclear what documentation they would have to provide for this company.

- ***Camp counselors reported that during some of the weeks campers and counselors were packed into the rented van beyond the capacity of the van and some did not have access to seatbelts.***

Mr. Markham admitted once or twice the van was beyond capacity. This should not have happened.

- ***The Health Department has no records or proof of certification of the “Volunteer Recreation Director” Rob Six, who apparently functioned as an Aquatic Director (105 CMR 430.103(A)) and Watercraft Supervisor (105 CMR 430.103(C))***

Mr. Markham stated that they were not trying to make short cuts. Rob Six did not lead water activities. He led beach activities and nature walks. They hired an outside company to provide aquatic services.

- ***Counselor complaints indicated that the food provided to campers and staff was nutritionally inadequate (105 CMR 430.330, 105 CMR 430.331 and 105 CMR 430.332) and that special dietary needs of campers were not always met***

Mr. Markham explained that they were constantly addressing these issues on the spot. They took into consideration allergies and lactose intolerance and peanut issues. Ms. Weir commented that it may have been more of an issue of lack of variety not inadequate nutrition.

Ms. Delmolino pointed out that out of the 24 citations only one was not accurate. In spite of the attempts by the camp director to be compliant he did not succeed according to the State of Massachusetts. He make have tried, but did not meet the State Standards.

Mr. Phillips added that purpose for the meeting was to allow Mr. Markham to provide his side of things. We have been recording today and it will be available to the public.

Ms. Weir asked how the Board wanted them to address the complaint?

Mr. Philips said that they might have to appear before the Licensing Board.

Morgan Clark stated the camp is now closed for this year. Prior to opening the camp for the next year all the written policy and documentation issues would have to be

fixed. An initial inspection form can be done. The food issues also will have to be corrected. You will have to meet all the standards well ahead of time.

Mr. Phillips suggested that the license should be granted before they start issuing any promotional material.

Hearing that the Board had no further comments or questions, Mr. Phillips adjourned the meeting at 3:20 pm.

Respectfully submitted,

Susan Leonard

Approved by _____ on _____, 2013