

CERTIFICATE

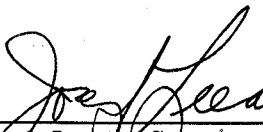
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND FAMILY SERVICES)

I, Joseph Lekan, Secretary of the Department of Health and Family Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to operation of public swimming pools were duly approved and adopted by this Department on November 22, 1996.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 22nd day of November, 1996.

SEAL:



Joseph Lekan, Secretary
Department of Health and Family Services



ORDER OF THE
DEPARTMENT OF HEALTH AND FAMILY SERVICES
RENUMBERING, AMENDING AND CREATING RULES

To renumber HSS 172.05(4)(b); to amend HSS 172.03(12) and 172.05(2)(a)3. and (c); and to create HSS 172.05(2)(a)4. and (4)(b)2., relating to operation of public swimming pools.

Analysis Prepared by the Department of Health and Family Services

The Department of Health and Family Services and agent local government health departments regulate the operation of public swimming pools under the authority of s. 254.47, Stats., to ensure that these facilities comply with health, sanitation and safety standards established by the Department by rule. The Department rules are in ch. HSS 172, Wis. Adm. Code. No public swimming pool may operate without having a permit from the Department or an agent local government health department.

This rulemaking order clarifies and updates the definition of public swimming pool, updates requirements for lifeguards and adds rescue tubes as required lifeguard equipment.

Section 254.47(1), Stats., directs the Department to define "public swimming pool," in rule, for purposes of the regulatory program. The current rule definition has not been changed for many years and has some resulting ambiguity, one reason being that some types of facilities are called by new names.

The requirements under s. HSS 172.05(2)(a)3. for lifeguard certification have to be modified due to changes in American Red Cross and the American Heart Association courses. The rule changes will ensure that all lifeguards are qualified to fulfill their duties as specified in ch. HSS 172. The exception under s. HSS 172.05(2)(c) to lifeguard certification for persons holding a current American Red Cross Water Safety Instructor certificate is removed. This is because the American Red Cross Water Safety Instructor certification course no longer includes course work in lifesaving methods. The change, however, will allow persons currently certified under the old program to continue the use of that certification until it expires.

New lifeguard training incorporates use of rescue tubes. These tubes are therefore made required equipment when lifeguards are provided.

These are the replacement permanent rules for emergency rules published on June 22, 1996.

The Department's authority to renumber, amend and create these rules is found in ss. 227.11(2) and 254.47(1), Stats. The rules interpret s. 254.47, Stats.

SECTION 1. HSS 172.03(12) is amended to read:

HSS 172.03 (12) "Public swimming pool" means a pool used for one or more purposes described in sub. (10) except a pool serving fewer than 3 ~~individual residential quarters residences~~ such as homes or apartments that are used by the owner or persons making the property their primary residence. A public swimming pool includes a pool installed in a "place of employment," as defined in s. 101.01(2)(f), Stats., or in a "public building," as defined in s. 101.01(2)(g), Stats., and any pool used on a regular basis by persons other than the residents. A public swimming pool includes but is not limited to a pool serving or installed for the state or any political subdivision of the state, ~~including a school district;~~ a pool serving or installed at a motel, hotel, ~~resort,~~ tourist rooming house, bed and breakfast establishment, campground, camp, club, association, housing development or school, or a religious, charitable or youth organization; a mobile pool; and a pool at an educational or rehabilitative institution. Included in the meaning of a "public swimming pool" are buildings, equipment and appurtenances, irrespective of whether or not a fee is charged for their use.

SECTION 2. HSS 172.05 (2)(a)3. is amended to read:

HSS 172.05(2)(a)3. ~~Every~~ Except as provided in subd.4., every lifeguard shall hold a current American Red Cross Lifeguard Training certificate, ~~an American Red Cross Basic Lifeguarding certificate,~~ a Young Men's Christian Association (YMCA) Lifeguarding certificate, a National Pool and Waterpark Lifeguard Training (NPWLT) program certificate or other lifeguard certification approved by the department. In addition, every lifeguard shall hold a current ~~standard first aid certificate from~~ for the American Red Cross Community First Aid and Safety Course or other first aid certification approved by the department and a current certificate from for the American Red Cross CPR for the Professional Rescuer Course or the American Heart Association BLS Health Care Provider Course or other equivalent cardiopulmonary resuscitation (CPR) certification approved by the department ~~for the completion of a course in cardiopulmonary resuscitation (CPR) for adults, children and infants.~~

SECTION 3. HSS 172.05(2)(a)4. is created to read:

HSS 172.05(2)(a)4. A lifeguard with approved certification prior to January 1, 1996, may continue to use that certification until it expires. At renewal the certification shall comply with the requirements of subd. 3.

SECTION 4. HSS 172.05(2)(c) is amended to read:

HSS 172.05(2)(c) When a pool is used for instructional purposes, an instructor ~~or other person~~ holding a current American Red Cross Water Safety Instructor (WSI) certificate, a ~~current standard first aid certificate from the American Red Cross or other first aid certification approved by the department and a cardiopulmonary resuscitation (CPR) certificate from the American Red Cross or the American Heart Association or other CPR certification approved by the department~~ may substitute for the lifeguard requirements in this subsection. with training in "Emergency Water Safety" may substitute for a lifeguard required in this

subsection until the current certification expires or comes up for renewal or until July 1, 1997, whichever is earliest. Required certification shall be obtained before September 1, 1993. WSI certification received after January 1, 1995, with training in "Community Water Safety" does not meet the requirements of this subsection. WSI certification received after January 1, 1996, does not meet the requirements of this subsection.

SECTION 5. HSS 172.05(4)(b) is renumbered 172.05(4)(b)1.

SECTION 6. HSS 172.05(4)(b)2. is created to read:

HSS 172.05 (4)(b) 2. When lifeguards are provided, a rescue tube with harness shall be provided to each lifeguard on duty.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in 227.22(2), Stats.

Wisconsin Department of Health
and Family Services

Dated: November 22, 1996

By: 

Joseph Lelan
Secretary

SEAL:

