

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Physical Fitness Facility Medical Emergency Preparedness Code
- 2) Code Citation: 77 Ill. Adm. Code 527
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
527.200	Amended
527.600	Amended
527.1000	Amended
527.1100	Amended
- 4) Statutory Authority: Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]
- 5) Effective Date of Amendments:
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: October 5, 2012; 36 Ill. Reg. 14608
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: No changes were made in response to comments received during the first notice or public comment period. JCAR did not suggest any changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: Section 527.600 is being amended to implement a portion of PA 96-0748, which amended the Physical Fitness Facility Medical Emergency Preparedness Act to require a physical fitness facility to have a trained AED user present during “staffed business hours” rather than during all physical fitness activities. Sections 527.200 and 527.1100 are being amended to update references to the Department’s hearing rules. Section 527.1000 is being amended to update the mailing address for the Department’s Division of Emergency Medical Services and Highway Safety.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

e-mail: dph.rules@illinois.gov

The full text of the adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 527

PHYSICAL FITNESS FACILITY MEDICAL EMERGENCY PREPAREDNESS CODE

Section

527.100	Definitions
527.200	Incorporated and Referenced Materials
527.300	Physical Fitness Facility
527.400	Medical Emergency Plan
527.500	Coordination with Local Emergency Medical Services Systems
527.600	Automated External Defibrillators Required
527.700	Maintenance and Testing of Automated External Defibrillators
527.800	Training
527.900	Complaints and Inspections
527.1000	Violations
527.1100	Hearings

AUTHORITY: Implementing and authorized by the Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74].

SOURCE: Adopted at 29 Ill. Reg. 13855, effective August 23, 2005; amended at 34 Ill. Reg. 11419, effective July 21, 2010; amended at 35 Ill. Reg. 7708, effective April 27, 2011; amended at 37 Ill. Reg. _____, effective _____.

Section 527.200 Incorporated and Referenced Materials

- a) The following private and professional organization standards are incorporated in this Part:
 - 1) 2005 AHA Guidelines for CPR and ECC
American Heart Association
208 South LaSalle St.
Suite 900
Chicago, Illinois 60604-1197
 - 2) American Red Cross First Aid/CPR/AED for the Workplace (2006)
American Red Cross

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311 W. John Gwynn Avenue
Peoria, Illinois 61605-2566

- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any subsequent amendments or editions.
- c) The following State of Illinois statutes are referenced in this Part:
- 1) Automated External Defibrillator Act [410 ILCS 4]
 - 2) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
 - 3) Hospital Licensing Act [210 ILCS 85]
 - 4) Illinois Administrative Procedure Act [5 ILCS 100]
 - 5) Park District Code [70 ILCS 1205]
 - 6) Chicago Park District Act [70 ILCS 1505]
 - 7) Metro-East Park and Recreation District Act [70 ILCS 1605]
 - 8) Downstate Forest Preserve District Act [70 ILCS 805]
 - 9) Cook County Forest Preserve District Act [70 ILCS 810]
 - 10) Conservation District Act [70 ILCS 410]
- d) The following State of Illinois rules are referenced in this Part:
- 1) Automated External Defibrillator Code (77 Ill. Adm. Code 525).
 - 2) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 527.600 Automated External Defibrillators Required

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- a) ~~Each~~ ~~By the compliance dates specified in Section 50 of the Act,~~ ~~each~~ facility shall have at least one operable AED on the premises at all times.
- b) If the AED becomes inoperable, the facility shall replace or repair the AED within ~~1030~~ days. Patrons shall be notified when an operable AED is not on the premises. The AED shall be mobile and accessible at all times when the AED is operable.
- c) *In the case of an outdoor physical fitness facility, the AED must be housed in a building, if any, that is within 300 feet of the outdoor facility where an event or activity is being conducted. If there is such a building within the required distance, the building must provide unimpeded and open access to the housed AED during the time the event or activity is being conducted. The building's entrances shall further provide marked directions to the housed AED.* (Section 15(b-10) of the Act)
- d) *Facilities described in ~~paragraph (1.5) of Section 5.25~~ (1.5) of the Act must have an AED on site as well as a trained AED user available only during activities or events sponsored and conducted or supervised by a person or persons employed by the unit of local government, school, college, or university.* (Section ~~15(b-15)~~ 5-25 of the Act)
- e) If multiple facilities are located on the same floor of a building, one AED can be used for multiple facilities so long as the AED is located not more than 300 feet from each facility and access to the AED is unimpeded from each facility.
- f) A physical fitness facility must ensure that there is a trained AED user on staff during staffed business hours. For purposes of the Act and this Part, "trained AED user" has the meaning ascribed to that term in Section 10 of the Automated External Defibrillator Act and Section 527.100 of this Part.
- ~~g~~f) Facility owners/operators may enter into written contracts with third party operators to ensure that a proper number of AEDs and trained AED users are present during all third party sponsored activities that are not otherwise supervised by the owners/operators of the facility.
- hg) Questions concerning this Part shall be directed to the following address:

Illinois Department of Public Health
Division of EMS & Highway Safety

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422 S. 5th St. – 3rd Floor
Springfield IL 62701

- ih)** Entities requesting a formal Department determination on the application of the Act shall be subject to inspection under Section 527.900.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 527.1000 Violations

- a) A person violates the Act by:
- 1) failing to comply with the Act;
 - 2) failing to adopt or implement a proper medical emergency plan;
 - 3) failing to have the requisite number of AEDs on the premises; or
 - 4) failing to have appropriate numbers of trained AED users and applicable supervisors on staff and to avoid lapses in compliance with this Code.
- b) Upon receipt of a written administrative warning to a facility for an initial violation of the Act, the facility has 10 business days to respond with written comments concerning the facility's remedial response. In the entity's comments to the administrative warning, it may state, for the Department's consideration, the reasons for disagreeing with the Department's determination. The facility may waive the right to submit a written response. Whether or not the facility waives the right to respond, the facility ~~shall~~**must** immediately remediate the circumstances to cure the violation.
- c) Upon receipt of notice of a subsequent violation of the Act, the facility has 10 business days either to pay any assigned civil monetary penalty or to request an administrative hearing. If the facility fails to pay the civil monetary penalty or to submit a request for a hearing within 10 days after receipt of the notice, then the Department will issue a final order closing the case and will refer the matter to the Attorney General for collection of any monetary penalty.
- d) The Department may assess a civil monetary penalty for a second or subsequent violation based on factors including, but not limited to, compliance history, nature of the offense or severity of the injury resulting from the offenses.

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- e) The civil monetary penalty for a second violation of the Act is \$1,500, and the penalty for a third or subsequent violation of the Act is \$2,000. The Department may assess only a total \$1,500 penalty for a second violation irrespective of the number of deficiencies found. For a third or subsequent violation, however, the Department may assess a separate \$2,000 monetary penalty for each deficiency if more than one violation of the Act is found at a facility during the third or subsequent inspection.
- f) Written comments to an administrative warning, requests for hearings, or fines shall be submitted to the following address:

Illinois Department of Public Health
Division of EMS & Highway Safety
~~422 S. 5th St. – 3rd Floor~~
~~500 East Monroe – 8th Floor~~
Springfield IL 62701

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 527.1100 Hearings

77 Ill. Adm. Code 100~~The Rules of~~ (Practice and Procedure in Administrative Hearings) and Article 10 of the Illinois Administrative Procedure Act (IAPA) ~~{5 ILCS 100/Art. 10}~~ shall apply to all proceedings conducted under this Part. Where the terms "license" and "licensing" are used in 77 Ill. Adm. Code 100~~Part 100~~ and the IAPA, the definitions of those terms and other terms in 77 Ill. Adm. Code 100~~Part 100~~ shall be expanded to include hearings concerning physical fitness facilities. In case of conflict between 77 Ill. Adm. Code 100~~the Rules of Practice and Procedure in Administrative Hearings~~ and the Act or the IAPA and the Act, the terms of the Act shall control.

(Source: Amended at 37 Ill. Reg. _____, effective _____)