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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>
527.100	Amended
527.200	Amended
527.300	Amended
527.400	Amended
527.500	Amended
527.600	Amended
527.800	Amended
- 4) Statutory Authority: Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]
- 5) Effective Date of Rulemaking:
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 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:

33 Ill. Reg. 10947 – July 24, 2009
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 527.100, the following definitions were added:

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“Cardiovascular exertion -- physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25(b) of the Act)”

“ Staffed Business Hours – those times when facilities are utilized and the owner or agent of the owner or an employee is present, other than maintenance or security personnel acting in those capacities.”

2. In the definition of “Supervising” in Section 527.100, “coaching, judging, refereeing.” was added after “inspecting”.
3. In Section 527.300(a), “or outdoor” was deleted.
4. In Section 527.300(a)(2), “subsection (c)” was changed to “subsection (3)”.
5. In Section 527.300(a)(3), after “to”, “the following indoor facilities:” was inserted.
6. In Section 527.300, a new subsection (b) was added as follows and subsequent subsections were re-labeled:

”b) For the purposes of this Part, “physical fitness facility” or “facility” includes any of the following outdoor facilities that is:

- 1) Owned by a municipality, township or other unit of local government, including a home rule unit, or by a public or private elementary school, college, university, or technical or trade school and.
- 2) Is supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of these facilities: a swimming pool; athletic field; football stadium; soccer field; baseball diamond; track and field facility; tennis court; basketball court; volleyball court; golf course; or any other outdoor establishment focusing primarily on cardiovascular exertion where participants engage in relatively continuous active physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25 of the Act)”

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7. In subsection 527.300(c) (re-labeled from “(b)”), “primarily” was deleted.
8. In subsection 527.300(d)(1) (re-labeled from “(c)(1)”), the following was inserted after “year”: “For purposes of the Act and this Part, “individuals” includes only those persons actively engaged in physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25 of the Act)”
9. In Section 527.300(d)(5), after “training,” “coaching, refereeing, judging,” was inserted.
10. In Section 527.300(d)(6), after “where,” “and when” was inserted.
11. In Section 527.300(d), a new subsection (7) was added as follows:

“7) Any facility during any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the unit of local government, school, college, or university. (Section 5.25 of the Act)”
12. In Section 527.400(b), “promptly” was inserted after “shall” .
13. In Section 527.600, a new subsection (d) was added as follows and subsequent Subsections were re-labeled:

“d) Facilities described in paragraph (1.5) of Section 5.25 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 of the Act)”
14. In Section 527.600(e), “both” was changed to “multiple” and “as long” was changed to “so long”.
15. In Section 527.600(e), “from each facility” was added after “unimpeded”.
16. In Section 527.600(g), “compliance with the Act” was stricken and “and” was deleted.

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17. In Section 527.800(a), “and present during all physical fitness activities” was changed to “during staffed business hours”.
18. In Section 527.800(c), “should” was stricken and “shall” was added.
19. In Section 527.800(d), “non-employee judge, non-employee referee,” was added after “instructor,”.

The following changes were made in response to comments and suggestions of JCAR:

In Sections 527.300(f) and 527.400(a), the address of the Division of EMS and Highway Safety was changed to “422 S. 5th St., 3rd Floor”.

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

Part 527 implements the Physical Fitness Facility Medical Emergency Preparedness Act (Act), which requires every physical fitness facility, as defined in the Act, to have at least one automated external defibrillator (AED) on the facility premises. This rulemaking implements Public Act 95-0712, which amended the Act to include outdoor facilities such as football stadiums, soccer fields, and baseball diamonds. The Public Act excludes facilities that are owned or operated by park districts organized under the Park District Code, the Chicago Park District Act, or the Metro-East Park and Recreation District, or any facility owned or operated by a forest preserve district organized under the Downstate Forest Preserve District Act or the Cook County Forest Preserve District Act or a conservation district organized under the Conservation District Act. The Department is required to define “outdoor facilities” by rule and to adopt rules that would encourage anticipated rescuers to complete a course of instruction for qualification as a trained AED user. The rulemaking also implements Public Act 95-0447, which amended the Automated External Defibrillator Act to remove the requirement that AEDs be registered

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with an EMS System hospital. During the First Notice period, Public Act 96-748 and Public Act 96-873 became effective. Language from these two Acts was added to the rules in response to issues raised in public comments, including a requirement that a trained user be on staff “during staffed business hours” and an exclusion for any facility that is owned or operated by a unit of local government, school, college, or university during any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the facility’s employees.

- 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	Indoor 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. _____, effective _____.

Section 527.100 Definitions

Act – the Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74].

Assistance – any act that aids or supports an individual who is engaging in physical fitness activities, including, but not limited to, instruction on the use of equipment and creation of personal fitness plans.

Automated External Defibrillator or AED(~~AED~~) – a medical device heart monitor and defibrillator that:

Has received approval of its pre-market notification, filed pursuant to 21 USC 360(k), from the United States Food and Drug Administration;

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Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

Upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and

In the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode. (Section 10 of the Automated External Defibrillator Act)

"Cardiovascular exertion – physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25(b) of the Act)

Defibrillation – administering an electrical impulse to an individual in order to stop ventricular fibrillation or rapid ventricular tachycardia. (Section 10 of the Automated External Defibrillator Act)

Department – the Department of Public Health. (Section 5.15 of the Act)

Director – the Director of Public Health. (Section 5.10 of the Act)

Emergency Medical Services (EMS) System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS (basic life support), ILS (intermediate life support) and/or ALS (advanced life support) level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Emergency Medical Services (EMS) Systems Act)

Gaming – a competitive activity involving skill, chance or endurance on the part of two or more persons.

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Hospital – has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85].

Medical emergency – the occurrence of a sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care. (Section 5.20 of the Act)

9-1-1 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

Person – an individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not).

Physical fitness facility or facility – has the meaning ascribed to that term in Section 527.300.

~~Resource Hospital – the hospital with the authority and responsibility for an EMS System.~~

Staffed Business Hours – those times when facilities are utilized and the owner or agent of the owner or an employee is present, other than maintenance or security personnel acting in those capacities.

Supervising – directing, inspecting, coaching, judging, refereeing, or being in charge of individuals while those individuals are engaging in physical fitness activities.

Third party operator – an individual or organization that has an agreement to use a physical fitness facility that the individual or organization does not own.

Trained AED user – a person who has successfully completed a course of instruction in cardiopulmonary resuscitation that includes an AED component in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association or a course of instruction in accordance with the Automated External Defibrillator Code (77 Ill. Adm. Code 525) to use an automated external defibrillator, or who is licensed to practice medicine in all its branches in this State. (Section 10 of the Automated External Defibrillator Act)

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(Source: Amended at 34 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
 - A) ~~Heartsaver AED for the Lay Rescuer and First Responder (1998)~~
 - B) ~~Heartsaver First Aid with CPR and AED (2002)~~
 - C) ~~Heartsaver AED (2003)~~
 - D) ~~Heartsaver Facts (1999)~~
 - E) ~~Fundamentals of BLS for Healthcare Providers (2001)~~
 - F) ~~BLS for Healthcare Providers (2001)~~
 - G) ~~Heartsaver CPR and AED for Heartsaver CPR (2002)~~
 - H) ~~Heartsaver AED and Heartsaver Pediatric CPR (2002)~~
 - I) ~~Instructor's Manual for Basic Life Support (2002)~~
- 2) American Red Cross First Aid/CPR/AED for the Workplace (2006)
American Red Cross
311 W. John Gwynn Avenue
Peoria, Illinois 61605-2566

~~American Red Cross First Aid/CPR/AED Program Manual:~~
 - A) ~~Section 12 Adult CPR/AED (2001)~~

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~~B) Section 3 Standard First Aid with AED (2001)~~

~~C) AED Essentials (2001)~~

- 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 34 Ill. Reg. _____, effective _____)

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Section 527.300 ~~Indoor~~ Physical Fitness Facility

- a) For the purposes of this Part, the term "physical fitness facility" or "facility" includes any indoor establishment that meets all of the following requirements:
- 1) In whole or in part, *is owned or operated by a private person or by a park district, municipality, or other unit of local government, including a home rule unit, or by a public or private elementary or secondary school, college, university, or technical or trade school.*
 - 2) *Is supervised by one or more persons, other than maintenance or security personnel, employed by the private person, unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of the indoor facilities listed in this subsection (a)(3)(a). (Section 5.25 of the Act)*~~*3) Any other indoor establishment, whether public or private that provides services or facilities focusing primarily on cardiovascular exertion. (Section 5.25 of the Act)*~~
~~*4) Serves a total of 100 or more individuals. The number of individuals served by a facility shall be determined by the greater of: the seating capacity; the capacity of the facility under applicable fire code, pool, or similar standards; or the number of members of the facility. The number of members of the facility includes the complete facility membership, whether or not these members are present at the facility at the same time.*~~
 - 3) ~~5)~~ Includes, but is not limited to, the following indoor facilities: Is a swimming pool; stadium; athletic field; football stadium; soccer field; baseball diamond; track and field facility; tennis court; basketball court; volleyball court; aerobics studio; dance studio; boxing gym; martial-arts or self-defense studio; wrestling gym; weight-lifting facility; treadmill or stationary bicycle facility; velodrome; racquetball court; gymnastics facility; or any other indoor establishment focusing primarily on cardiovascular exertion where participants engage in relatively continuous active physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25 of the Act)
- b) For the purposes of this Part, "physical fitness facility" or "facility" includes any of the following outdoor facilities that is:

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- 1) Owned by a municipality, township or other unit of local government, including a home rule unit, or by a public or private elementary school, college, university, or technical or trade school; and
- 2) Is supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of these facilities: a swimming pool; athletic field; football stadium; soccer field; baseball diamond; track and field facility; tennis court; basketball court; volleyball court; golf course; or any other outdoor establishment focusing primarily on cardiovascular exertion where participants engage in relatively continuous active physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25 of the Act)
- c) Except as provided in subsection (d) of this Section, a physical fitness facility also includes any other indoor or outdoor establishment, whether public or private, that provides services or facilities focusing on cardiovascular exertion or gaming. (Section 5.25 of the Act)
- d)b) For the purposes of this Part, the term "physical fitness facility" or "facility" does not include:
 - 1) A facility that serves fewer than 100 individual participants over the course of a calendar year. For purposes of the Act and this Part, "individuals" includes only those persons actively engaged in physical exercise that uses large muscle groups and that substantially increases the heart rate. (Section 5.25 of the Act) A facility relying on this subsection (d)(1) shall maintain adequate documentation for every year that the facility relies on this subsection. Such documentation shall be preserved by the facility for not less than three years and be provided to the Department upon request; ~~A facility serving less than a total of 100 individuals;~~
 - 2) ~~Any~~Any outdoor facility owned or operated by a park district organized under the Park District Code, the Chicago Park District Act, or the Metro-East Park and Recreation District Act;
 - 3) Any facility owned or operated by a forest preserve district organized under the Downstate Forest Preserve District Act or the Cook County

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Forest Preserve District Act or a conservation district organized under the Conservation District Act;

- ~~4)3)~~ A facility located in a hospital or in a hotel or motel;
- ~~5)4)~~ Any facility that does not employ any persons to provide instruction, training, coaching, refereeing, judging, or assistance for persons using the facility (Section 5.25 of the Act);
- ~~6)5)~~ Yoga studios; driving ranges; bowling lanes; putting greens; batting cages; or other facilities where and when participants do not focus primarily on cardiovascular exertion by engaging in ~~relatively continuous~~ active physical exercise that uses large muscle groups and that substantially increases the heart rate;-
- ~~7)~~ Any facility during any activity or program organized by a private or not-for-profit organization and organized and supervised by a person or persons other than the employees of the unit of local government, school, college, or university. (Section 5.25 of the Act)

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 527.400 Medical Emergency Plan

- a) The operator of a facility shall adopt and implement a plan for responding to a medical emergency at the facility. The plan ~~shall~~must encompass the use of an AED and shall provide a timely, proper response to the occurrence of any other sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care. The plan ~~shall~~must also designate office contacts for the specific facility staff to be notified in ~~the event of~~ a medical emergency. The plan ~~shall~~must be filed with the Department by submitting a copy 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

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- b) Facility staff shall ensure that 9-1-1 is called immediately for medical emergencies, including each time an AED is used at the facility. Third party or other authorized users of the facility shall promptly notify the facility operator if the AED is used.
- c) The plan ~~shall~~must be updated with the Department after a change in the facility that affects the ability to comply with a medical emergency such as, but not limited to, facility closure for more than 45 days, inoperable AED for more than 45 days, or lack of trained staff for more than 45 days.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 527.500 Coordination with Local Emergency Medical Services Systems

~~a) Each use of an AED shall be reported by the facility to the local EMS System Resource Hospital for the vicinity according to Section 525.500 of the Automated External Defibrillator Code. Third party or other authorized users of the facility shall notify the facility operator if the AED is used. b) The AED must be registered with the applicable EMS System Resource Hospital for the area in which the AED is located. The EMS System Resource Hospital shall oversee use of the AED and shall ensure that training and maintenance requirements are met. 1) The owner of the AED shall provide a list of trained users at the site to the Resource Hospital. 2) The owner of the AED shall provide a copy of the manufacturer's guidelines for maintenance and training, and documentation confirming that these guidelines were met as requested. c) A facility possessing an AED shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the automated external defibrillator. (Section 20(b) of the Automated External Defibrillator Act)~~ shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the AED.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 527.600 Automated External Defibrillators Required

- a) By the compliance dates specified in Section 50 of the Act, each facility ~~shall~~must have at least one operational AED on the premises at all times. ~~If the AED becomes inoperable, the facility shall replace or repair the AED within 45 days. The AED must be mobile and accessible at all times. All facilities required to have an AED pursuant to the Act must have, posted at the main entrance, a notice stating that an AED is located on the premises.~~

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- b) If the AED becomes inoperable, the facility shall replace or repair the AED within 30 days. The AED shall be mobile and accessible at all times.
- 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 provide marked directions to the housed AED. If there is no such building, the person responsible for supervising the event or activity at the outdoor physical fitness facility shall ensure that an AED is available at the outdoor facility during the time that the event or activity at the facility is being conducted. (Section 15(b-10) of the Act)*
- d) *Facilities described in paragraph (1.5) of Section 5.25 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 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) 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.
- g)b) Questions concerning this Part ~~compliance with the Act~~ shall be directed 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
- h)e) Entities requesting a formal Department determination on the application of the Act shall be subject to inspection under Section 527.900.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 527.800 Training

- a) Physical fitness facility staff shall be trained in cardiopulmonary resuscitation and the use of an AED according to Sections 525.300 and 525.400 of the Automated External Defibrillator Code ~~when the facility has an AED according to the compliance dates of the Act.~~ The facility ~~shall~~must have at least one trained AED user on staff during staffed business hours~~at all times~~, and also ~~shall~~must ensure that appropriate numbers of facility staff and applicable supervisors are trained to avoid lapses in compliance with this Part~~Code~~.
- b) Each member of the facility staff shall be trained concerning~~on~~ the location of the AED and the requirements of the facility's medical emergency plan. Third party operators and authorized users of the facility shall also be informed, by postings or other notifications, of the location of the AED and of the emergency plan.
- c) The facility staff shall take reasonable measures to ensure that the AED is operated only by trained AED users for the intended purposes of the AED. This provision ~~shall~~should not be construed to prohibit, ~~however,~~ the use of the AED by others in ~~the event of~~ a medical emergency requiring the use of the AED.
- d) Any non-employee coach, non-employee instructor, non-employee judge, non-employee referee, or other similarly situated non-employee anticipated rescuer who uses a physical fitness facility in conjunction with the supervision of physical fitness activities is encouraged to complete a course of instruction that would qualify such a person as a trained AED user, as defined in Section 10 of the Automated External Defibrillator Act and Section 527.100 of this Part. (Section 15(b-5) of the Act)

(Source: Amended at 34 Ill. Reg. _____, effective _____)