

## FINAL and PROPOSAL

### FINAL

**Maryland Register**

**Issue Date: June 27, 2014**

**Volume 41 • Issue 13 • Page 752**

## **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

### **Subtitle 17 *SWIMMING POOLS AND SPAS***

#### ***10.17.02 Automated External Defibrillators for Swimming Pools***

*Authority: Local Government Article, §1-1310, Annotated Code of Maryland*

##### **Notice of Final Action**

[14-058-F]

On June 17, 2014, the Secretary of Health and Mental Hygiene and the Maryland Emergency Medical Services Board jointly adopted new Regulations **.01—.08** under a new chapter, **COMAR 10.17.02 Automated External Defibrillators for Swimming Pools**. This action, which was proposed for adoption in 41:3 Md. R. 236—238 (February 7, 2014), has been adopted as proposed.

**Effective Date: July 7, 2014.**

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### PROPOSAL

**Maryland Register**

**Issue Date: February 7, 2014**

**Volume 41 • Issue 3 • Page 236—238**

## **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

### **Subtitle 17 [SANITATION] *SWIMMING POOLS AND SPAS***

#### ***10.17.02 Automated External Defibrillators for Swimming Pools***

*Authority: Local Government Article, §1-1310, Annotated Code of Maryland*

##### **Notice of Proposed Action**

[14-058-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01—.08** under a new chapter, **COMAR 10.17.02 Automated External Defibrillators for Swimming Pools**.

**Statement of Purpose**

The purpose of this action is to require each county or municipality that owns and operates a swimming pool to:

- (1) Develop and implement an automated external defibrillator (AED) program;
- (2) Provide an automated external defibrillator onsite; and
- (3) Have an individual trained in the operation and use of an automated external defibrillator present at each swimming pool while the pool is open.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The economic impact of purchasing equipment and supplies as well as having staff members complete the AED training is limited to local governments that own and operate public swimming pools. Along with the initial cost of purchasing the equipment and supplies it is expected that these local governments will also have the annual expense of purchasing AED supplies to keep the equipment in working order.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	\$275,000
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

C. The increase to expenditures for local governments is due to:

- (1) The purchase of an automated external defibrillator for each swimming pool owned and operated by the local government (\$1,000—2,000 per AED, depending on unit purchased);
- (2) The purchase of yearly supplies to maintain the automated external defibrillator in working condition (approximately \$200 per year); and
- (3) Having staff members complete automated external defibrillator training through a national organization so that one staff member with the required certification is present at the swimming pool while it is open (\$70—100 per person times approximately 3 people).

Based on these cost assumptions, the initial first year implementation of an AED program at all county and municipality owned pools in Maryland, would total approximately \$2,500 (\$2,000 for AED + \$200 for supplies + \$300 for staff training) per pool. Additionally, to maintain an AED program at all county and municipality owned pools in Maryland would total approximately \$350 (\$200 for AED supplies + \$150 for staff training) per pool annually. There are an estimated 136 pools in Maryland that will be required to comply with the regulations in this proposal. Currently, there are 5 counties (Anne Arundel, Baltimore County, Harford, Montgomery, and Queen Anne’s) that already have county AED pool requirements in place that are at least as strict as the statewide regulations in this proposal. Of the total 136 pools in Maryland that will be required to comply with the regulations in this proposal, 26 pools reside within these 5 counties. Therefore, the assumption is that the new regulations in this proposal will impact 110 pools Statewide.

Economic impact breakdown:

First Year implementation:  
 \$2,500 (\$2,000 for AED + \$200 supplies + \$300 staff training) per pool × 110 pools = \$275,000  
 Annually:

\$350 (\$200 for AED supplies + \$150 for staff training) × 110 pools = \$38,500

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through March 10, 2014. A public hearing has not been scheduled.

**.01 Scope.**

*This chapter establishes guidelines for periodic inspections and annual maintenance of the automated external defibrillators at swimming pools.*

**.02 Definitions.**

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

*(1) "AED" means automated external defibrillator as defined in COMAR 30.06.01.01.*

*(2) "AED coordinator" means an individual designated by the county or municipality to meet the requirement of COMAR 30.06.02.*

*(3) "Swimming pool" means a pool that is owned and operated by the governing body of a county or municipality.*

**.03 AED Program Requirements.**

*Each county or municipality that owns and operates a swimming pool shall develop and implement an automated external defibrillator program that meets the requirements in the Education Article, §13-517, Annotated Code of Maryland, and COMAR 30.06.02.*

**.04 Installation.**

*An AED shall be located within the pool barrier, as defined in COMAR 10.17.01.05.*

**.05 Registration.**

*Each swimming pool owned and operated by a county or municipality shall be registered as specified in COMAR 30.06.02.04.*

**.06 Training.**

*The AED coordinator shall ensure that at least one individual who has a current AED certification from a national organization is onsite while the swimming pool is open.*

**.07 Quality Assurance and Maintenance.**

*A county or municipality that owns and operates a swimming pool shall:*

*A. Maintain the certificate, equipment and supplies as required by COMAR 30.06.02; and*

*B. Submit the reports as required by COMAR 30.06.02 to the Maryland Institute for Emergency Medical Services Systems (MIEMSS).*

**.08 Inspections.**

*A. The Department shall:*

*(1) Monitor a swimming pool for compliance with this chapter; and*

*(2) Inspect the swimming pool as necessary for the enforcement of this chapter.*

*B. Right to Inspect.*

*(1) The Department may enter, at reasonable times, the property of a swimming pool for the purposes of inspecting, monitoring, and verifying information relative to the enforcement of this chapter.*

*(2) A person may not deny or interfere with the Department's entry into a swimming pool under this chapter.*

*(3) An operator shall permit a representative of the Department to examine and copy records of the swimming pool to verify information relative to the enforcement of this chapter.*

*C. Report of Inspection. During a swimming pool inspection, the Department shall:*

*(1) Record the inspection results on an inspection form prescribed by the Department;*

*(2) Identify on the inspection form the conditions found that violate the provisions of this chapter;*

*(3) Notify the swimming pool operator on the inspection form to correct violations by a specific date; and*

*(4) Provide one copy of the inspection report to the swimming pool operator.*

*D. The completed inspection report is a public document that is available for public disclosure in accordance with State Government Article, §§10-611 –10-628, Annotated Code of Maryland.*

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene