

Legislative Analysis



HEALTH & WELLNESS CENTERS: LIFEGUARD REVISIONS

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House Bill 5247 without amendment

Sponsor: Rep. Aric Nesbitt

Committee: Health Policy

(Enacted as PA 430 of 2014)

Complete to 5-22-14

A SUMMARY OF HOUSE BILL 5247 AS REPORTED BY COMMITTEE 5-13-14

The bill would amend the Public Health Code (MCL 333.12522) so that a health and wellness center owned or operated by a community hospital authority would not have to have a lifeguard on duty for its pool under certain conditions.

Currently, Department of Environmental Quality rules require that certain pools have a lifeguard on duty when the pool is open to the public. The bill would specify that until December 31, 2018, the lifeguard rules would not apply to a pool that meets all of the following requirements:

- Is located in a health and wellness center owned or operated by a community hospital authority as authorized under Public Act 47 of 1945 (as described below).
- The total pool water surface within the swimming pool enclosure is 2,400 square feet or less.
- The pool does not have a diving board.

(Under Public Act 47 of 1945, two or more cities, villages, or townships, or a combination of those local units, with voter approval, may join to form a hospital authority and issue bonds and levy taxes in order to establish and operate one or more community hospitals and related facilities. The types of facilities considered "community hospitals and related facilities" are specified in the act. Recently, there has been a trend for hospitals to open medically-based health and wellness centers and/or medically-based fitness centers. Such centers offer a range of medically-based services, such as outpatient physical therapy and exercise and/or rehabilitation programs. For the rules pertaining to lifeguards for public pools, see the Michigan Administration Code, R 325.2198 et.al.)

FISCAL IMPACT:

House Bill 5247 would have no significant fiscal impact on the Department of Environmental Quality.

BRIEF DISCUSSION OF THE ISSUES:

Departmental rules issued by the Department of Environmental Quality (DEQ) pertaining to public swimming pools require that lifeguard services be provided at the pool if the

pool is owned or operated by a government, a local governmental unit or agency, a public corporation, or a school (Michigan Administrative Code, R 325.2198). The bill is needed to exempt the Shoreline Wellness and Rehabilitation Center owned by the South Haven Community Hospital Authority from this rule. Apparently, the Center is the only hospital-run wellness center in the state that is owned or operated by a public entity. Thus, to be in compliance with the departmental rule, the Center needs a lifeguard on duty even if a trainer or physical therapist is working one-on-one with a client or patient in the pool. Reportedly, the Center provides a lifeguard at all times when open swims or group programs are conducted. According to the DEQ, the department is currently in the process of updating the rules for public swimming pools and will be able to address the Center's issue through the rules process. The bill, therefore, provides temporary relief for the Center until the new rules are in place– estimated completion time about the end of 2018 when the bill sunsets.

POSITIONS:

The Department of Environmental Quality indicated support for the bill. (5-6-14)

The Michigan Health & Hospital Association indicated support for the bill. (5-13-14)

The Red Cross indicated support for the bill. (5-13-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.