

**Note:** Email completed form to jcarr1@jcarr.state.oh.us.

Hearing Date: 5/30/2024

Today's Date: 6/6/2024

Agency: Ohio Department of Health

Rule Number(s): Rules 3701-31-03, and Rule 3701-31-04 Responsibilities of the Licensee – Swimming Pools, 3701-3-28, -29, -30 – Animal Bites and Rabies, 3701-8 – Help Me Grow, 3701-16 – Residential Care Facilities

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If no comments at the hearing, please check the box. ☐

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Ohio Campground Owners Association, Inc. Rule 3701-31-04 (E)(3)(b)
2. Ohio Alliance of YMCAs Rule: 3701-31-04 division (B)(4)(a)(x)
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## Hearing Summary Report

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Rule 3701-31-04 (E)(3)(b) currently states: "The licensee of a public swimming pool not required to provide a lifeguard by paragraph (E)(4) of this rule shall provide signs that state the same or similar language, "Swimming alone is not recommended" and "Children must be supervised." The proposed language changed the pool sign language to "Children will be supervised." The Ohio Campground Owners Association, Inc. stated that change from "must" to "will" here would make the required sign indicate that the pool operator will be supervising children. This is not the intent, nor is it the responsibility of a pool operator to have a lifeguard on duty for the pool under 3701-31-04 (E)(3)(b).

Rule 3701-31-04 division (B)(4)(a)(x), is requiring reporting of incidents. The amended rule stated: "(x) All injuries will be recorded as they happen. Any incident associated with the pool facility that results in death, serious injury, assistance from emergency medical personnel or an illness involving more than one person will be reported to the licensor on a form prescribed by the director of health within seventy-two hours following the incident or when the licensee becomes aware of the incident. As used in this paragraph: "serious injury" means an injury that does not need immediate hospital admission but does need medical treatment, more than first aid; and"

The Ohio of Alliance of YMCAs asked for clarification about the following items: 1) the definition of "pool facility;" and 2) incident involving "assistance from medical personnel." In addition, they requested how would ODH would require the YMCAs to report the incidents and on what form.

## Hearing Summary Report

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

The comments received for Rule 3701-31-04 (E)(3)(b) were incorporated into the rule. The rule will remain that signs state that "Children must be supervised."

The comments were taken into consideration regarding Rule 3701-31-04 division (B)(4)(a)(x), and the language was removed regarding the term "pool facility" and the term pool perimeter was utilized to narrow the area required for the reporting of the incidents. However since ODH has an incident form that is currently used by the local health departments which will be utilized to collect the data required from this rule no further changes were made to the rule. Additional clarification regarding the types of incidents required to be reported was not added as the new rule states that, "any incident... that results in death, serious injury, assistance from emergency medical personnel or an illness involving more than one person."