

1999 ASSEMBLY BILL 876

March 13, 2000 – Introduced by Representative WALKER. Referred to Committee on Consumer Affairs.

1 **AN ACT to amend** 101.12 (3) (c) and 101.19 (1) (b); and **to create** 101.20 and
2 146.525 of the statutes; **relating to:** the design, installation, operation and
3 maintenance of hyperbaric chambers; granting rule-making authority and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Currently, the department of commerce (department) has general authority to promulgate rules to establish safe public buildings and places of employment. Under this general grant of authority, the department has promulgated rules relating to the inspection, design, fabrication, testing, marking, stamping and cleaning of hyperbaric chambers that are installed in public buildings and places of employment. Hyperbaric chambers are machines that are designed to contain at least one individual and that are operated at greater than atmospheric pressure. Among other things, hyperbaric chambers are used by hospitals and individuals for medical purposes. The rules of the department currently incorporate the safety standards promulgated by the American Society of Mechanical Engineers relating to hyperbaric chambers. Current law prohibits the installation or use of machines, including hyperbaric chambers, that do not fully comply with the orders of the department.

This bill expands the authority of the department to regulate hyperbaric chambers by requiring the department to regulate hyperbaric chambers that are installed in locations other than public buildings and places of employment. The bill establishes statutory inspection requirements that apply to all hyperbaric chambers

ASSEMBLY BILL 876

intended for use in this state and specifies that only hyperbaric chambers that are certified by the department may be operated in this state. The bill requires the department to promulgate rules that establish standards for the design, fabrication, testing, marking, stamping and cleaning of all hyperbaric chambers used in this state and any ancillary equipment used in conjunction with the hyperbaric chambers.

This bill also specifies training and operation requirements that an individual must meet to operate hyperbaric chambers. Under the bill, the department of health and family services (DHFS), which regulates the provision of health care services generally, is required to promulgate rules that specify the type of training, in addition to that specified under the bill, that an individual must complete in order to operate a hyperbaric chamber. DHFS is also required under the bill to promulgate rules regarding the operating protocols of a hyperbaric chamber and is responsible for licensing hyperbaric chamber facilities. Under the bill, no person may operate a hyperbaric chamber without a license from DHFS.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.12 (3) (c) of the statutes is amended to read:

2 101.12 (3) (c) Determine and certify the competency of inspectors of boilers,
3 unfired pressure vessels, hyperbaric chambers, refrigeration plants, elevators,
4 escalators and power dumbwaiters.

5 **SECTION 2.** 101.19 (1) (b) of the statutes is amended to read:

6 101.19 (1) (b) The required inspection of boilers, pressure vessels, hyperbaric
7 chambers, refrigeration plants, petroleum and liquefied petroleum gas vessels,
8 anhydrous ammonia tanks and containers, elevators, ski towing and lift devices,
9 escalators, dumbwaiters and amusement or thrill rides but not of amusement
10 attractions.

11 **SECTION 3.** 101.20 of the statutes is created to read:

12 **101.20 Hyperbaric chambers. (1) DEFINITION.** In this section, “hyperbaric
13 chamber” has the meaning given in s. 146.525 (1) (a).

ASSEMBLY BILL 876

1 **(2)** USE OF CERTIFIED HYPERBARIC CHAMBERS. No person may operate a
2 hyperbaric chamber in this state without a valid certificate of inspection, received
3 under sub. (3) (a), pertaining to the hyperbaric chamber. No person may operate a
4 hyperbaric chamber that violates any applicable rules promulgated under sub. (3)
5 (b). Every owner of a hyperbaric chamber shall maintain all certificates of inspection
6 relating to the hyperbaric chamber as long as the hyperbaric chamber may be
7 operated except that, if the owner transfers ownership of the hyperbaric chamber to
8 another person, the owner shall transfer all of the certificates of inspection to the
9 person.

10 **(3)** ENFORCEMENT. (a) *Inspection and certification.* The department shall
11 inspect and certify each hyperbaric chamber in this state before the hyperbaric
12 chamber is placed into operation. The department shall inspect and certify each
13 hyperbaric chamber placed into operation in this state at least once every 36 months
14 after the date of the initial certification.

15 (b) *Rules.* The department shall promulgate rules for the efficient
16 administration of this section and to promote the use of safe hyperbaric chambers in
17 this state. The rules shall establish standards for the design, fabrication, testing,
18 marking, stamping and cleaning of hyperbaric chambers, and any ancillary
19 equipment used in conjunction with hyperbaric chambers, and shall be as consistent
20 as possible with national standards for pressure vessels for human occupancy and
21 hyperbaric chambers.

22 **(4)** PENALTY. Any person who violates sub. (2) or any rule promulgated under
23 sub. (3) (b) may be required to forfeit not more than \$1,000 for each violation.

24 **SECTION 4.** 146.525 of the statutes is created to read:

25 **146.525 Clinical hyperbaric chambers. (1)** DEFINITIONS. In this section:

ASSEMBLY BILL 876

1 (a) “Hyperbaric chamber” means a pressure vessel that is designed to contain
2 at least one individual entirely enclosed within it and that is operated at a pressure
3 greater than atmospheric.

4 (b) “Hyperbaric physician” means a physician who meets all of the
5 requirements of sub. (2) (e).

6 (c) “Physician” has the meaning given in s. 448.01 (5).

7 **(2) OPERATION OF HYPERBARIC CHAMBERS.** No individual may operate a
8 hyperbaric chamber unless the individual meets all of the following requirements:

9 (a) The individual is a physician; physician assistant, as defined in s. 448.01
10 (6); registered nurse, as defined in s. 146.40 (1) (f); licensed practical nurse, as
11 defined in s. 146.40 (1) (c); a respiratory therapist; emergency medical technician, as
12 defined in s. 146.50 (1) (e); or an individual trained in commercial or navy diving
13 chamber technology.

14 (b) The individual has completed basic training approved by the Undersea and
15 Hyperbaric Medical Society for the operation of a hyperbaric chamber or has
16 completed training that the board of medical examiners determines meets the same
17 standards as the training approved by the Undersea and Hyperbaric Medical
18 Society.

19 (c) The individual completes supplemental training specified by the
20 department by rule. The department shall permit an individual to satisfy the
21 supplemental training requirement under this paragraph by verifying in writing,
22 including all information specified by the department by rule, that he or she operates
23 a hyperbaric chamber for at least 480 hours per year under the direct supervision of
24 another individual who is fully trained to operate a hyperbaric chamber.

ASSEMBLY BILL 876

1 (d) In the case of an individual operating a hyperbaric chamber that is designed
2 to accommodate more than one individual at a time, the individual receives
3 additional training specific to that type of hyperbaric chamber. The department
4 shall promulgate rules specifying the training required to satisfy this paragraph. In
5 promulgating the rules, the department shall permit an individual to satisfy the
6 requirement under this paragraph by submitting to the department a letter from the
7 medical director of the facility where the individual operates a hyperbaric chamber
8 that verifies that the individual has mastered the skills necessary for the operation
9 of a hyperbaric chamber designed to accommodate more than one individual at a
10 time.

11 (e) The individual is supervised by a physician who meets all of the following
12 requirements:

13 1. The physician has completed introductory training in hyperbaric medicine
14 approved by the Undersea and Hyperbaric Medical Society, or has completed
15 training that the board of medical examiners determines meets the same standards
16 as the training approved by the Undersea and Hyperbaric Medical Society.

17 2. In the case of the supervision of an individual operating a hyperbaric
18 chamber that is designed to accommodate more than one patient at a time, the
19 physician receives additional training specific to that type of hyperbaric chamber.
20 The department shall promulgate rules specifying the training required to satisfy
21 this paragraph. In promulgating the rules, the department shall permit a physician
22 to satisfy the requirements under this paragraph by submitting to the department
23 a letter from the medical director of the facility where the physician supervises the
24 operation of a hyperbaric chamber that verifies that the physician has mastered the

ASSEMBLY BILL 876

1 skills necessary for the operation of a hyperbaric chamber designed to accommodate
2 more than one patient at a time.

3 3. Biennially, the physician receives at least 16 hours of continuing medical
4 education in hyperbaric medicine.

5 **(3) DUTIES OF HYPERBARIC PHYSICIANS AND CHAMBER OPERATORS.** (a) A hyperbaric
6 physician shall do all of the following:

7 1. Make himself or herself immediately available, or designate a physician to
8 be immediately available, to the operator of the hyperbaric chamber to manage
9 patient emergencies.

10 2. Ensure that training of all hyperbaric chamber personnel is complete and
11 documented.

12 3. Maintain complete records of patients for whom the hyperbaric physician
13 prescribes hyperbaric treatment, including the indication and rationale for the
14 treatment of each disorder treated.

15 (b) An individual who operates a hyperbaric chamber shall operate it only in
16 accordance with operating protocols established by the department by rule, in
17 consultation with the department of commerce. No individual may operate a
18 hyperbaric chamber to treat another individual unless the treatment has been
19 prescribed for that individual by a hyperbaric physician. A hyperbaric chamber
20 operator shall maintain written records documenting all of the following with
21 respect to each hyperbaric chamber session:

22 1. The purpose of the hyperbaric exposure.

23 2. The names and positions of all personnel present during the session.

24 3. The names of all of the individuals exposed to hyperbaric pressure during
25 the session.

ASSEMBLY BILL 876

1 4. The pressure and time profile of the exposure.

2 5. Any equipment defects detected before, during or after the hyperbaric
3 exposure. The operator of the hyperbaric chamber shall report all equipment defects
4 to the hyperbaric physician and shall ensure that the detected defects are corrected
5 before using, or continuing to use, the equipment.

6 **(5) FACILITY LICENSE REQUIRED.** The department shall provide uniform,
7 statewide, biennial licensing of hyperbaric chamber facilities. No person may
8 operate a hyperbaric chamber in a facility that is not licensed under this subsection.
9 The department may not license a facility under this subsection unless the facility
10 is operated within a hospital that is approved under s. 50.35, within a clinic that is
11 affiliated with a hospital that is approved under s. 50.35 or within the primary place
12 of business of a private practice physician. The department shall establish by rule
13 a biennial fee for a license issued under this subsection.

14 **SECTION 5. Nonstatutory provisions.**

15 (1) DEPARTMENT OF COMMERCE; RULES. No later than the first day of the 3rd
16 month beginning after publication, the department of commerce shall submit in
17 proposed form the rules under section 101.20 (3) (b) of the statutes, as created by this
18 act, governing hyperbaric chambers, to the legislative council staff under section
19 227.15 (1) of the statutes.

20 (2) DEPARTMENT OF HEALTH AND FAMILY SERVICES; RULES. No later than the first
21 day of the 3rd month beginning after publication, the department of health and
22 family services shall submit in proposed form the rules under section 146.525 of the
23 statutes, as created by this act, to the legislative council staff under section 227.15
24 (1) of the statutes.

