

Chapter DHS 174

FIRST AID AND CPR TRAINING FOR EMPLOYEES OF FITNESS CENTERS

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Note: Chapter HSS 174 was renumbered chapter HFS 174 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, July, 1998, No. 511. Chapter HFS 174 was renumbered chapter DHS 174 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.

DHS 174.01 Purpose and authority. This chapter establishes standards for approval by the department of basic first aid and basic CPR training courses for fitness center employees and the qualifications of trainers of those courses. The chapter also establishes specifications for a notice that fitness centers are required to post that informs patrons of the first aid and CPR training requirements for fitness center employees. The chapter is promulgated under the authority of s. 100.178 (5), Stats.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; correction made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527.

DHS 174.02 Applicability. This chapter applies to any person employed by a fitness center, owners and operators of fitness centers and individuals, organizations and institutions proposing to provide training to fitness center employees in basic first aid and CPR.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.

DHS 174.03 Definitions. In this chapter:

(1) “AHA” means the American heart association.

(2) “Applicant” means an individual, organization or institution of higher education that seeks approval for a first aid training course other than the American red cross standard first aid course.

(3) “ARC” means the American red cross.

(4) “ARC standard first aid” means the basic 9 hour course in first aid training offered by the American red cross, which includes CPR training.

(5) “CPR” means cardiopulmonary resuscitation.

(6) “Department” means the Wisconsin department of health services.

(7) “Equivalent first aid training course” means any first aid course determined by the department to be similar in trainer qualifications, content, training standards and hours to the ARC standard first aid course.

(8) “Fitness center” means an establishment which, for profit, provides as its primary purpose services or facilities which are intended to assist patrons in physical exercise, weight control or figure development, including but not limited to a studio, salon or health club. The definition does not include an organization solely offering training or facilities in an individual sport or an establishment which provides as its primary purpose instruction, supervision or counseling for diet or weight loss or maintenance, if physical exercise services are not provided on the premises.

(9) “Institution of higher education” has the meaning given under s. 39.32 (1) (a), Stats.

(10) “Patron” means any individual who uses fitness center facilities and equipment.

(11) “Trainer” means an individual, organization or institution of higher education that provides training required under s. 100.178, Stats., for fitness center employees.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; correction in (11) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527; correction in (6) made under s. 13.92 (4) (b) 6., Stats., Register January 2009 No. 637.

DHS 174.04 CPR and first aid training. (1) GENERAL REQUIREMENT. Pursuant to s. 100.178 (2), Stats., a fitness center shall have one employee on the premises at all times during which the fitness center is open and its facilities and services are available for use who has satisfactorily completed a course or courses in basic first aid and CPR. Alternatively, all employees of the fitness center, within 90 days after being hired, shall have satisfactorily completed at least one course covering basic first aid and basic CPR taught by an individual, organization or institution of higher education approved by the department under this chapter.

(2) CPR TRAINING. To satisfy the requirement under sub. (1), the fitness center employee or employees shall have up-to-date certification in CPR through either the AHA or ARC. The required minimum level of AHA certification is Heartsaver and the required minimum level of ARC certification is Adult CPR, both of which consist of 4 hours of instruction, practice and testing. In this subsection, “Heartsaver” means the AHA course which includes one rescuer adult CPR and obstructed airway maneuvers, and “Adult CPR” means the ARC course which includes one rescuer adult CPR and obstructed airway maneuvers.

(3) FIRST AID TRAINING. (a) To satisfy the requirement under sub. (1), the fitness center employee or employees shall be certified in ARC standard first aid or its equivalent.

(b) Certification that is equivalent to ARC standard first aid certification shall be based on first aid training which consists of a minimum of 5 hours of classroom instruction, skill practice and competency testing and a final written examination, with training in theory and practice in at least the following content areas:

1. Introduction to first aid training;
2. Legal aspects of first aid treatment;
3. Activating the emergency medical system;
4. Basic anatomy and physiology;
5. Patient assessment and evaluation;
6. Wound care and shock;
7. Musculoskeletal injuries;
8. Spinal and head injuries;
9. Eye and nose injuries;
10. Medical problems including asthma and anaphylaxis, epilepsy, diabetes, heat exhaustion, heat stroke, frost nip, frost bite, hypothermia, poisoning, drug overdose and stroke; and
11. Emergency movement.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527.

DHS 174.05 Trainer qualifications. (1) An individual who teaches basic first aid to fitness center employees shall be:

(a) Certified in American red cross standard first aid or its equivalent as approved under s. DHS 174.06;

(b) Generally familiar with jurisdictional laws and legal concepts pertinent to the handling of victims of medical emergencies; and

(c) Experienced in teaching at least one course under the direct supervision of another instructor or supervisor which includes all topics and skills covered by the course.

(2) An individual who wishes to teach basic CPR to fitness center employees shall have up-to-date certification either by the American heart association or the American red cross as a CPR instructor.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.

DHS 174.06 Review and approval of equivalent first aid training. (1) **APPROVAL REQUIREMENT.** Department approval of a proposed equivalent first aid training course shall be a prerequisite to the initiation of equivalent first aid training for employees of fitness centers required under s. 100.178, Stats. Approval of a training course shall include approval of curriculum, procedures, administrative details and guidelines necessary to ensure a standardized training program, as set out in a training plan.

(2) **PLAN SUBMISSION.** Except for the ARC, no individual, organization or institution may begin to provide first aid training until a training plan has been submitted to and approved by the department. At a minimum, the plan shall:

(a) Identify the applicant;

(b) Identify and describe the roles, responsibilities and qualifications of the training course coordinator and course trainer;

(c) Identify and describe the relationship of the applicant to the fitness center;

(d) Describe the first aid course in reference to the requirements set out in s. DHS 174.04 (3) (b), including the content areas, clock hours, competency testing standards and procedures and training methods. Indicate by content area the objectives for individual lessons; and

(e) List the equipment to be used for training employees in first aid skills.

Note: A proposed training plan should be sent to the Emergency Medical Services Section, Division of Public Health, P.O. Box 2659, Madison, Wisconsin, 53701-2659.

(3) **DEADLINE FOR SUBMISSION.** The plan shall be submitted to the department in complete form at least 90 days prior to the date proposed for beginning the course. The plan is not in complete form until all information and materials noted in sub. (2) have been received by the department.

(4) **REVIEW AND DECISION.** The department shall within 75 days following receipt of a complete plan, approve or disapprove the plan and notify the applicant accordingly in writing. Approval or disapproval of a plan shall be based on the requirements of s. DHS 174.04 (3) (b) and this section.

(5) **IMPLEMENTATION.** (a) Following approval by the department under sub. (4) of a plan for first aid training, the plan may be implemented.

(b) Following approval by the department, no change may be made in the plan affecting the trainers or course unless the change is approved by the department in writing.

(c) The training course content and the individual lesson objectives shall be the same for all first aid courses taught by the applicant under an approved plan.

(6) **REPORT TO DEPARTMENT.** Upon completion of a first aid training course, the trainer shall submit to the department a list of fitness center employees who satisfactorily completed the course.

(7) **PLAN REVIEW.** The trainer shall biennially review the plan, update it as necessary and submit it to the department. The department shall notify the trainer before the review is to take place and the updated plan is due and shall provide the trainer with a format to be followed for reviewing and updating the plan. The department's approval of the updated plan is required for continued plan approval and for continuation of first aid training. Notification of approval or disapproval shall be made in writing within 60 days following receipt of the reviewed and updated plan.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527.

DHS 174.07 Denial or revocation of approval. (1) **DENIAL.** If the department denies an application for approval of an equivalent first aid training course under s. DHS 174.06 (4) or refuses to approve an updated plan under s. DHS 174.06 (7), the department shall provide the applicant with written notice of an opportunity for a hearing under sub. (3) on that decision.

(2) **REVOCATION.** The department may revoke approval of a first aid training course after providing the applicant with prior written notice of the proposed action and written notice of an opportunity for a hearing on that decision if the department finds that:

(a) Course approval was obtained through error or fraud;

(b) A provision of this chapter is violated; or,

(c) The trainer has engaged in conduct detrimental to the health or safety of fitness center employees during a course of instruction.

(3) **APPEAL.** If the department, under s. DHS 174.06 (4) or (7), denies approval or renewal of approval of an equivalent first aid training course or, under sub. (2), revokes the approval of an equivalent first aid training course, the applicant or trainer may request a hearing under s. 227.42, Stats. The request for a hearing shall be submitted in writing to the department of administration's division of hearings and appeals. Review is not available if the request is received by the division of hearings and appeals more than 30 days after the date of the notice required under sub. (1) or (2).

Note: A request for a hearing should be submitted to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91.

DHS 174.08 Posting notice. (1) Each fitness center shall post a notice or notices stating the requirements of s. 100.178 (2), Stats., and the penalties set out under s. 100.177 (15) (a), Stats., for violating s. 100.178 (2), Stats. This notice or notices shall be posted in a conspicuous place or places where notices to patrons are customarily posted. Each fitness center shall take steps to ensure that a notice is not altered or defaced, or covered by other material.

(2) Each notice shall meet the following specifications:

(a) The notice shall be at least 8½ inches by 11 inches;

(b) The notice background shall be white;

(c) Letters and numbers used against the white background shall be black; and

(d) Lettering may be hand-printed in bold, black letters at least ½ inch in height and ¼ inch in width. If typesetting is used, the type shall be a medium weight, sans-serif type, with at least ½ inch in height and ¼ inch in width.

History: Cr. Register, August, 1991, No. 428, eff. 9-1-91; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, November, 1999, No. 527.