Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
68. Rules and Regulations Pertaining to the Medical Examiner System
69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
73. Rules and Regulations Related to the Medical Marijuana Program
74. Rules and Regulations Related to the Practice of Electrolysis
75. Rules and Regulations Relating to Emergency Medical Services

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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened*. Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received*. All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the 10 September 2012 deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: http://www.sos.ri.gov/rules/, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

RULES AND REGULATIONS FOR LICENSING SWIMMING AND WADING POOLS, HOT TUBS AND SPAS

[R23-22-SWI/H&S]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION

Department of Health

May 1975

AS AMENDED

May 1978 (E)
November 1987
October 1989
June 1990
July 1990 (E)
October 1990
August 1991 (E)
November 1991 (E)
February 1992
January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)
August 2012 (Proposed)

COMPILER'S NOTES:
Proposed Additions: Underlined
Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These *Rules and Regulations For Licensing Swimming and Wading Pools, Hot Tuba and Spas (R23-22-SWI/H&S)* are promulgated pursuant to the authority conferred under section 23-22-2 of the General Laws of Rhode Island, 1956, as amended, and are established for the purpose of adopting revised fees for the licensing of swimming and wading pools, hot tubs, and spas in this state.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, 1956, as amended, the following were given consideration in arriving at the regulations: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact placed on facilities. No alternative approach, duplication or overlap was identified. The health and safety of the public overrides any economic impact on small business as defined in Chapter 42-35 which may be incurred as a result.

These Rules and Regulations shall supersede all previous Rules and Regulations Pertaining to Swimming Pools, promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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PART I DEFINITIONS AND LICENSING PROCEDURES
Section R23-22-SWI/W/H&S

Section 1.0 DEFINITIONS

Wherever used in these Rules and Regulations the following terms shall be construed as follows:

1.1 "Act" refers to Chapter 23-22 of the General Laws of Rhode Island, 1956, as amended, entitled, "Licensing of Swimming Pools."

1.2 "Barrier" means a fence, a wall, a building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

1.3 "Director" means the Director of the Rhode Island Department of Health.

1.4 "Licensing Agency" means the Rhode Island Department of Health.

1.5 "Person" includes any partnership, association, corporation, city or town pursuant to section 23-22-1 of the Act.

1.6 "Swimming Pool", the term swimming pool includes all traditional swimming pools, wading pools, and therapeutic pools owned or maintained by any person, partnership, association, corporation, city or town or state, except swimming pools maintained by an individual for the sole use of his or her household and guests without charge for administration and not for the purpose of profit or in connection with any business operated for the purpose of profit and except also swimming pools owned and maintained by the United States. The term "swimming pool" wherever the context requires shall be construed to include the apparatus, structure and equipment pertaining to swimming pool, the premises on which the pool is located and the premises appurtenant thereto, pursuant to section 23-22-1 of the Act, and as further defined as follows:

1.6.1 "Traditional Swimming Pool", hereafter referred to as swimming pool, means a watertight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipment used in connection therewith, excluding "water slides" and/or "recreational water parks."

1.6.2 "Wading Pool" means a watertight structure of concrete, masonry, or other approved materials located either indoors or outdoors, used for bathing or swimming and filled with a filtered and disinfected water supply, together with buildings, appurtenances and equipments used in connection therewith which includes a range in water depth from two (2) feet down to zero for wading.

1.6.3 "Therapeutic Pool" is synonymous with "Hot Tub" or "Spa".

1.6.4 "Hot Tub or Spa" means any watertight structure having a maximum depth of forty-eight (48)inches (1.2 meters) used in conjunction with high velocity water recirculation systems, utilizing hot, cold or ambient temperature water either mineral or nonmineral in nature which is not emptied after each individual use.

1.7 "Seasonal License" shall mean any license issued no sooner than June 1, and expiring on September 30 of the year issued, unless sooner revoked for violation of the provisions of Chapter 23-22, or of the regulations adopted in accordance therewith.

1.8 "Year-round License" shall mean any license issued from January 1, and expiring on December 31 of

the year issued, unless sooner revoked for violation of the provisions of Chapter 23-22 or of the regulations adopted in accordance therewith.

Section 2.0 GENERAL REQUIREMENTS AND PROCEDURE FOR THE APPROVAL OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF SWIMMING AND WADING POOLS, HOT TUBS & SPAS

2.1 No person shall begin construction of a swimming or wading pool, hot tub or spa, or make significant alterations, defined as major work on the pool structure or filtration system, not to include the replacement of like-kind equipment, as determined by the Licensing Agency, to such existing pool(s), hot tubs or spas, until the plans and the specifications have been approved in writing by the Licensing Agency. Such approval shall be granted if the plans are found to meet the requirements herein.

2.1.1 Any plans and specifications for construction of a swimming or wading pool, hot tub or spa, shall be prepared, signed and stamped by a professional engineer registered in the State of Rhode Island. The plans and specifications shall be submitted to the Licensing Agency for approval and shall be accompanied by the application form provided by the Licensing Agency.

2.1.2 The Licensing Agency shall require the owner of the swimming or wading pool, hot tub or spa, to give assurance that construction or alterations shall be in compliance with the plans and specifications as approved by the Licensing Agency. Such assurance shall be included in the application form provided by the Licensing Agency and signed by the Owner and the Design Engineer.

2.1.3 No deviation from the approved plans and specifications shall be made during construction or alterations without prior written approval of the Licensing Agency.

Section 3.0 GENERAL REQUIREMENT AND PROCEDURE FOR LICENSURE

3.1 No person acting severally or jointly with any other shall operate, or maintain a swimming or wading pool, hot tub or spa as defined herein, without a license in accordance with the statutory and regulatory provisions herein, unless otherwise exempt pursuant to section 23-22-6 of the Act.

Section 4.0 APPLICATION FOR LICENSE AND FEE

4.1 Application for a license to operate or maintain a swimming or wading pool, hot tub or spa, as defined herein, shall be made to the Licensing Agency on forms provided by the Agency. The application form shall contain such information as the Licensing Agency reasonably requires, and shall be accompanied by the licensure fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*

A. ~~of two hundred fifty dollars ($250) for the first pool (swimming or wading pool, hot tub or spa) at one (1) location and seventy-five dollars ($75.00) for each additional pool (hot tub, spa, etc.) at the same location, for a year-round license; and~~

B. ~~one hundred fifty dollars ($150) for the first pool at one (1) location and seventy-five dollars ($75.00) for each additional pool at the same location for a seasonal license~~.

~~made payable by check or money order to the General Treasurer, State of Rhode Island.~~

Every organization which provides recreational facilities for persons under the age of eighteen (18) years and which is exempt from income taxes pursuant to the provisions of title 26, section 501(c)(3) of the United States Code and which maintains a swimming pool shall pay a fee ~~of twenty-five dollars~~

~~($25.00) for a year-round license.~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*

These provisions shall not apply to any swimming pool maintained by the state.

Section 5.0 ISSUANCE AND RENEWAL OF LICENSE AND FEE

5.1 Upon receipt of an application for a license and the licensing fee, the Licensing Agency shall issue an initial license or renewal thereof within thirty (30) days of receipt of the application, provided the applicant meets the requirements of the Act and the regulations herein. Said license unless sooner suspended or revoked shall expire by limitation on the 31st day of December of the year issued for year round licenses; on the 30th day of September for seasonal licenses and may be renewed from year to year thereafter and approval by the Licensing Agency and payment of license renewal fee of the appropriate amount stated in ~~Section 4.1 above,~~ the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* per swimming or wading pool, hot tub or spa, made payable by check or money order to the General Treasurer, State of Rhode Island.

5.2 A license issued hereunder shall be kept posted in a conspicuous place on the premises and readily visible by individuals who use the pool.

5.3 Whenever a license may become defaced or destroyed while still in effect, the licensing agency shall, upon application thereof, and upon payment of a fee ~~of two dollars ($2.00) made payable by check or money order to the General Treasurer, State of Rhode Island~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* issue a duplicate license to the applicant.

Section 6.0 INSPECTIONS

6.1 The Director or his duly authorized agent(s) shall at all reasonable times and at least once each year and such shorter intervals as may be deemed advisable, cause inspection to be made to ascertain whether each swimming or wading pool is being maintained in compliance with the regulatory provisions herein.

6.2 The Licensing Agency shall at all reasonable times have authority to enter upon any and all parts of the premises on which any swimming or wading pool, hot tub or spa is located and of the premises appurtenant thereto to make the inspection or to obtain samples of water for the analyses provided for in the Act and the regulations herein, or to make any examination or investigation whatsoever for the purpose of determining whether the provisions of the Act and the regulations herein are being violated or whether the condition and method of maintenance of any swimming or wading pool hot tub or spa, subject to licensure will be detrimental to the health and safety of the users thereof.

Section 7.0 DENIAL, SUSPENSION AND REVOCATION OF LICENSE

7.1 The Licensing Agency shall deny the issuance of a license to operate a swimming or wading pool, hot tub or spa, whenever the Licensing Agency finds that the licensure requirements herein are not met. Furthermore, whenever the Licensing Agency shall have reason to believe that any public swimming or wading pool, spa, and/or hot tub is being operated and/or maintained in violation of the regulations and statutory provisions herein, or whenever the licensing agency has reason to believe that the condition and method of maintenance of any such public swimming or wading pool, hot tub or spa will be detrimental to the health and safety of the users, the Licensing Agency may, after due notice and hearing revoke any such license if it finds that such swimming or wading pool, spa, and/or hot tub is being maintained in

violation of the regulations herein, or if the Licensing Agency shall be satisfied that the conditions and method of maintenance of such pool hot tub or spa will be detrimental to the health and safety of the users. The holder of a license shall upon its revocation promptly surrender the same to the Licensing Agency.

7.2 Whenever an action shall be proposed to deny, suspend or revoke the license of an applicant and/or licensee, the licensing agency shall notify the operator of the swimming or wading pool, the spa or hot tub, by certified mail (or may be hand delivered), setting forth reasons for the proposed action, and the applicant or licensee shall be given an opportunity for a prompt and fair hearing in accordance with Chapter 42-35 of the General Laws of Rhode Island, 1956, as amended and section 19.0 herein.

7.2.1 However, if the licensing agency finds that public health, safety or welfare, including the health and safety of the public, imperatively requires emergency action and incorporates a finding to that effect in its order, the licensing agency may order summary suspension of license pending proceedings for revocation or other action.

PART II CONSTRUCTION REQUIREMENTS
Section R23-22-SWI/W/H&S

Section 8.0 SWIMMING POOLS

8.1 Construction Materials

A swimming pool and its appurtenances shall be constructed of materials which are non-toxic to humans, inert, impervious and enduring. Such materials shall be capable of withstanding the design stresses of the particular swimming pool to be constructed, and provide a water tight tank with a smooth, easily cleanable surface. The finished surface shall be white or a light color.

8.2 Structural Design and Stability

8.2.1 A swimming pool shall be so constructed and of such shape and size so as to be safely patrolled and to provide good circulation of water.

8.2.2 Swimming pools shall be designed and constructed to withstand anticipated structural loadings when full or empty, and that the design and materials used shall be in accordance with generally accepted good structural engineering practices.

8.3 Slope of Pool Bottoms and Sidewalls

8.3.1 The slope of the bottom of the pool where the water depth is less than five (5) feet shall be uniform and shall not exceed a pitch of one foot vertical in twelve (12) feet horizontal.

8.3.2 In portions of the pool with water depths greater than five (5) feet, the slope of the bottom may not be more than one foot vertical in three (3) feet horizontal.

8.3.3 Swimming pool walls shall be either:

a) vertical or have a slope not to exceed one foot horizontal for each five (5) feet of vertical sidewall depth; or

b) vertical for a distance of three (3) feet below the water level, below this the wall may be curved to the bottom with a radius of less than or equal to the difference between the bottom depth at that point and three (3) feet.

8.4 WATER DEPTH MARKINGS

8.4.1 The water depths of a swimming pool shall be plainly marked on the pool deck at the edge of the pool and on the vertical walls at or above the water surface.

8.4.2 Markings shall be a dark color spaced at one foot depth intervals where the water depth is less than five (5) feet. The water depth at the deepest portion of a swimming pool must be indicated.

8.5 FENCES AND ENCLOSURES

8.5.1 The provisions of this document shall control the design of barriers for swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas, and hot tubs. Requirements can be found in Appendix A.

8.5.2 A wall of a dwelling or other structure is permitted to serve as part of the enclosure provided that there is no direct access, such as a door, from the dwelling to the pool.

8.5.3 All filters, pumps, chemical feeding apparatus, and other mechanical equipment shall be secured and protected by an appropriate enclosure separate and apart from the enclosure of the swimming pool.

8.6 Overflow Gutters

8.6.1 Overflow gutters extending completely around a swimming pool shall be provided on all pools having a water surface area of 4,000 square feet or more.

8.6.2 The gutter system shall be designed to continuously remove water from the top of the pool at a rate equal to at least fifty (50) percent of the recirculation rate required to meet an eight (8) hour turnover time.

8.6.3 Gutter drainage shall be returned to the recirculation system on the influent side of the filters and provisions shall be made to discharge gutter drainage to waste without passing through the filters.

8.6.4 A gutter system shall be designed to meet the following additional requirements:

a) provide effective skimming action;

b) prevent waters that have entered the system from being washed back into the pool;

c) present no accident hazard to bathers;

d) provide for easy inspection and cleaning; and

e) provide an acceptable handhold for bathers.

8.6.5 Nothing in this section shall preclude the use of roll-out or deck level type swimming pools. Such designs shall conform to the general provisions relating to surface overflow system. The design of the curb and handhold shall conform to acceptable standards, and must meet the approval of the Licensing Agency.

8.7 Surface Skimmers

8.7.1 Skimmers of an approved design are permitted in swimming pools having a water surface of less than four thousand (4,000) square feet.

8.7.2 A surface skimmer system shall meet no less than the following requirements:

a) The piping and other pertinent components shall have the capacity to remove water from the pool at a recirculation rate of least equal to eight (8) hour pool water turnover time.

b) In an indoor pool, one (1) skimmer shall be provided or each six hundred (600) square feet or fraction thereof of pool water surface and the weir loading shall not exceed three (3) gallons per minute per linear inch of adjustable weir length.

c) In an outdoor pool, one skimmer shall be provided for each four hundred (400) square feet or

fraction thereof of pool water surface area and the weir loading shall not exceed 2.5 gallons per minute per linear inch of adjustable weir length.

d) Skimmers shall be so located to provide as effective skimming of the entire water surface with minimum interference and short circuiting.

e) Each skimming device shall be equipped with an equalizer pipe located at least one foot below the lowest skimmer overflow level or other device to prevent air lock in the skimmer suction line.

f) Each skimming device shall be equipped with an easily removable and cleanable basket or screen through which pool surface water must pass.

8.8 Deck and Walkway

8.8.1 A continuous unobstructed deck or walkway at least four (4) feet wide excluding the width of the coping or the interior portion of a gutter shall extend completely around swimming pools. The walkway or deck shall be immediately adjacent to the pool.

8.8.2 The walkway behind the diving equipment shall be no less than three (3) feet.

8.8.3 The deck or walkway shall be constructed of concrete, non-slip tile or other equally impervious material with a smooth, but non-slip, easily cleanable surface.

8.8.4 All decks and walkways shall be sloped at a grade of approximately 1/4 inch per foot. Decks shall be sloped to effectively drain water to deck drains.

8.9 Ladders, Steps and Stairs

8.9.1 A minimum of one ladder must be installed within each seventy-five (75) feet of pool perimeter or fraction thereof. There shall be at least one ladder located at the deep end of the pool and another at the shallow end.

8.9.2 If recessed step holes are provided in lieu of a ladder, they shall be slip resistant and shall pitch slightly toward the pool to prevent the accumulation of dirt. A suitable handrail extending above and returning to the horizontal surface of the deck, curb, or coping, shall be provided at each side of the ladder or stepholes.

8.9.3 Stairs may be used in lieu of ladders at the shallow end provided they are slip-resistant and a suitable handrail is provided at one side or in the center of the stairs. The stairs shall be recessed if the pool is designed for competitive swimming.

8.10 Handhold

8.10.1 In the absence of a gutter designed to serve as a handhold for bathers, a bull nose coping or other satisfactory handhold shall be afforded bathers on all pool sidewalls. Handholds shall be no more than nine (9) inches above the normal pool water level.

8.11 Lighting, Ventilation & Electrical Requirements

8.11.1 All electrical wiring for swimming pools shall conform to the provisions of the current edition of the National Electric Code Handbook of the National Fire Protection Association and the Electrical Code of the State of Rhode Island.

8.11.2 All indoor swimming pool equipment, rooms, bath houses, dressing rooms, shower rooms, and toilet spaces shall be ventilated adequately either by natural or mechanical means, or by a combination of natural and mechanical means.

8.11.3 The pool and deck areas must have adequate illumination.

8.12 Diving Area

8.12.1 The dimensions of the pool in the diving area shall conform to the following:

Heights of Board Above Maximum Water Level	Minimum Water Depth at End of Board and 12 Feet Beyond	Min. Pool Width at End of Board and 12 Feet Beyond
0.0 - 2.0 feet	8 1/2 feet	20 feet
2.1 - 3.3 feet	10 feet	24 feet
3.4 - 10 feet	12 feet	30 feet

8.12.2 A minimum horizontal separation of ten (10) feet shall be provided between diving boards.

8.12.3 At least fifteen (15) feet of unobstructed headroom shall be provided above diving boards.

8.12.4 Handrails shall be provided at all steps and ladders leading to diving boards or platforms more than three (3) feet above the pool water level. Platforms and diving boards which are over three (3) feet high shall be equipped with guard rails.

8.13 Swimming Pool Slides

8.13.1 Swimming pool slides which may be installed at a swimming pool shall be manufactured in accordance with the requirements of the U.S. Consumer Product Safety Commission and shall be so labeled; and all such slides shall be installed in accordance with requirements of the U.S. Consumer Product Safety Commission and with the manufacturer's instructions.

8.14 Recirculation System and Equipment

8.14.1 A swimming pool shall be equipped with a recirculation system to permit treating the pool water. A recirculation system shall consist of one or more filters with appurtenances, pump(s), chemical feeder(s) and a rate of flow indicator.

8.14.2 A swimming pool recirculation system shall be designed to treat the entire pool water volume in eight (8) hours or less.

8.14.3 Recirculation systems equipped with a water heater shall have a fixed thermometer in place on the discharge side of the heater.

8.14.4 Filters

a) Pressure Sand Filters:

i. the filtration rate of a pressure sand filter or equivalent media shall not exceed twenty six (26) gallons per minute per square foot of filter bed surface area;

ii. Pressure sand filters shall be equipped with influent and effluent pressure gauges or a compound pressure gauge, and an air relief valve at the high point of the filter.

b) Diatomaceous Earth Filters:

i. The filter rate of diatomaceous earth filters shall not exceed 2.0 gallons per minute per square foot of effective filter area without continuous body feed and 2.5 gallons per minute per square foot of effective filter area with continuous body feed.

ii. Provision shall be made for introducing filter aid to form a precoat evenly over the filter elements when a filter is put into initial operation and after each cleaning. Pressure diatomaceous earth filters shall be equipped with a precoat pot for this purpose.

iii. The filter plant shall be provided with such pressure, vacuum, or compound gauges as are required to indicate the condition of the filter. An air relief valve shall be provided at the high point of a pressure diatomaceous earth filter.

iv. In vacuum filter installation, an adjustable high vacuum automatic shut off shall be provided to prevent damage to the pump by cavitation.

c) Cartridge Filters

i. Cartridge filters shall be operated at a filter rate not to exceed the design rate or a maximum of 0.375 gallons per minute per square foot of surface area.

ii. Cleaning of cartridge filters must be in accordance with the manufacturer's recommendations.

iii. One complete spare set of cartridges shall be available at all times to facilitate cleaning.

8.14.5 Disinfectant Apparatus

a) The recirculation system for swimming and therapeutic pools shall be equipped with a positive displacement type solution feeder to apply, continuously, a disinfectant to the pool water being recirculated.

b) Disinfectant equipment shall have a minimum capacity to supply at least the equivalent of one (1) pound of chlorine per eight (8) hours for each ten thousand gallons of pool water.

8.15 Main Outlets and Drains

8.15.1 A main drain outlet shall be provided at the deepest point of the swimming pool. At least two outlets spaced not more than thirty (30) feet apart shall be provided if the width of the swimming pool at its deepest point exceeds thirty (30) feet. Two (2) outlet pipes the diameters of which shall be equal shall be required for spas and hot tubs.

8.15.2 If the suction outlet system, such as a filtration system, booster system, automatic cleaning system, solar system, etc., has a single suction outlet, or multiple suction outlets which can be isolated by valves, each suction outlet shall protect against bather entrapment by either.

a) an antivortex cover

b) a twelve inch by twelve inch (12" x 12") grate or cover

c) other means.

8.16 Treated Water Inlets

8.16.1 As a minimum, one treated water inlet shall be provided for each two hundred fifty (250) square feet of swimming pool water surface area or fraction thereof in indoor swimming pools and one such inlet shall be provided for each two hundred (200) square feet of swimming pool water surface area or fraction thereof in outdoor pools.

8.16.2 A minimum number of two (2) inlets shall be provided for any swimming pool.

8.16.3 One of the required inlets shall be located in the recessed stairs section of the swimming pool, where such stairs are provided.

8.16.4 Inlets shall be spaced and located to produce uniform water circulation.

8.17 Vacuum Cleaning

8.17.1 Provision shall be made for vacuum cleaning the bottom of the swimming pool. The suction from the recirculation pumps and sidewall vacuum or skimmer fittings may be utilized for this purpose.

8.18 Bathhouses and Sanitary Facilities

8.18.1 Separate dressing, toilet, shower and lavatory facilities for each sex shall be made available for the exclusive use of patrons in a structure (bath house) adjacent to the swimming, except however, for hotels, apartment buildings, condominiums and such other similar type establishments, provided however, that private sanitary facilities are available within three hundred feet (300 ft.) from the swimming pool area.

8.18.2 The bathhouses shall be of ample size the layout of the bathhouses shall be so designed to facilitate the routing of bathers from the dressing area through the toilet, shower and lavatory facilities. Furthermore, the bathhouses shall be well lighted and so planned that good sanitary conditions can be maintained. Hose bib connections and floor drains shall be provided in convenient locations to facilitate cleaning the rooms in which these facilities are located.

8.18.3 Hot and cold running water shall be piped to shower and lavatory fixtures and liquid soap in suitable dispensing containers shall be provided.

8.18.4 The minimum number of lavatories and water closets provided for each sex shall be equal to 1 per 60 bathers based on the maximum bather load.

8.18.5 The minimum number of showers provided for each sex shall be equal to 1 per forty (40) bathers based on the maximum bather load.

8.18.6 Urinals for male bathers may be substituted for up to one-third the number of water closets required where more than one water closet is required.

8.18.7 Notwithstanding the above provisions, the number of fixtures required may be increased for swimming pools at schools or other locations where scheduling of pool use warrants special

consideration.

8.19 Bather Load

8.19.1 The maximum number of bathers permitted within a swimming pool enclosure at one time shall not exceed the number determined as follows:

a) one bather for each 20 square feet of pool water surface area where the water is less than five feet deep.

b) one bather for each 25 square feet of pool water surface area where the water is more than five feet deep.

c) Three hundred square feet of pool water surface area shall be reserved around each diving board or platform. This area shall not be included in determining the bather load capacity.

8.19.2 The Licensing Agency may make additional allowances for the numbers of bathers in cases where an extensive pool deck area is used by patrons for lounging or sun bathing or may decrease the allowable number taking into consideration the age and swimming ability of the bathers.

8.20 Lifeline

8.20.1 Provisions shall be made to place a lifeline with colored floats across the width of the swimming pool at least two feet on the shallow end of the break between the diving well and the swimming area.

8.20.2 In no case shall the location of the lifeline floats be placed across the width of the swimming pool at more than five (5) feet from the shallow end of the swimming pool.

Section 9.0 WADING POOLS

9.1 Construction Requirements:- the construction requirements for wading pools shall be consistent with the construction requirements for swimming pools pursuant to section 8.0 herein with the exception however of decks and recirculation system as follows:

9.1.1 Decks:- wading pools shall be separate and physically set apart from beginning of shallow areas of swimming pools by at least six (6) feet of deck. Where a wading pool is adjacent to any deep water area, a minimum four (4) vertical foot barrier shall be installed separating the two pools with a self closing and self latching gate.

9.1.2 Recirculation System:- wading pools shall meet the requirements of section 8.14.1 herein and shall be designed to treat the entire pool water volume at least once every two (2) hours.

Section 10.0 HOT TUBS AND SPAS

10.1 Requirements for hot tubs and spas pertaining to Construction Materials, Structural Design and Stability, Water Depth Markings, Fences and Enclosure, Surface Skimmers, Steps and Stairs and Handrails, Lighting, Ventilation and Electrical Requirements and Bathhouses and Sanitary Facilities shall be identical to the requirements for swimming pools of section 8.0 herein with the exception however of the following:

10.1.1 Decks & Walkways: hot tubs and spas shall have a four (4) foot deck around the tub and spa or a four foot deck on two sides of tub and spa, and meet all other requirements of section 8.8 herein.

10.1.2 Heater & Temperature:

a) Heaters used in spas and hot tubs shall have a seal of approval from a standards testing agency such as the American National Standards Institute (ANSI-Z-21.56) or the Underwriters Laboratory (UL 1261).

b) Electrically operated heaters shall comply with current National Electrical Code of the National Fire Protection Association.

c) Heaters shall be equipped with a thermostatic control for the water temperature and shall be set at a temperature not to exceed 105°F.

10.1.3 Inlets & Drains:

Every hot tub and spa shall be equipped with inlets which shall be an integral part of the recirculation system and shall be adequate in design, and location to insure uniform distribution of filtered conditioned and disinfected water throughout the hot tub and spa without the existence of dead spots.

a) Main outlets and drains:

i. A means shall be provided to drain the hot tub or spa which may include bottom drains, circulatory drains or any other approved drains.

ii. Outlets shall be of such design as to prevent physical entrapment of fingers, toes, etc.

10.1.4 Recirculation System & Equipment

The requirements for the recirculations system and equipment shall be the same as the requirements for swimming pools of section 8.14 herein with the exception of the following:

a) The recirculation system and equipment shall be sized to turn over the entire pool water capacity at least once every thirty (30) minutes.

PART III GENERAL REQUIREMENTS FOR WATER SUPPLY AND WASTE WATER FOR SWIMMING AND WADING POOLS, HOT TUBS AND SPAS

Section 11.0 WATER SUPPLY

11.1 The water supply serving swimming or wading pools, hot tubs or spas, and their related plumbing fixtures shall meet the approval of the Licensing Agency. The discharge end of a pipe delivering water from a drinking water system to swimming or wading pools, hot tubs or spas shall terminate at least two (2) pipe diameters above the maximum elevation of the water in the pool. Piping from a drinking water system shall not be physically connected to a swimming or wading pool, hot tub or spa recirculation system. The water must be discharged into a swimming or wading pool, hot tub or spa through an air gap equivalent to at least two (2) pipe diameters.

11.2 No plumbing connection shall be made which might permit water from the swimming or wading pool, hot tub or spa recirculation system to enter the drinking water system.

Section 12.0 WASTE WATER DISPOSAL

12.1 Waste water from the operation of swimming or wading pools, hot tubs or spas, except water resulting from draining such pools, hot tubs or spas, shall be discharged into a sanitary sewage system through an air gap equivalent to at least two (2) pipe diameters. If no such sewer system is available, the pools, hot tubs or spas may be served by an individual sewage disposal system (ISDS) approved by the Department of Environmental Management.

12.2 The content of a swimming or wading pool, hot tub or spa may be emptied by draining into a natural water course directly or indirectly through a storm water system. Prior to doing so, a permit must be obtained from the Department of Environmental Management.

12.3 There shall be no direct physical connection between any part of a swimming and wading pool, hot tub or spa or its recirculation system and a sanitary sewer or subsurface sewage disposal system.

PART IV REQUIREMENTS FOR THE OPERATION OF SWIMMING AND WADING POOLS, HOT TUBS AND SPAS

Section 13.0 GENERAL SANITATION REQUIREMENTS

13.1 The area, room, and/or enclosure of a swimming or wading pool, hot tub or spa, shall be kept in good repair and shall be maintained in a clean and sanitary condition at all times.

13.2 Dressing, shower, toilet and equipment rooms, including fixtures and equipment shall also be kept in good repair and working order, and shall be maintained in a clean and sanitary condition.

13.3 The floors of dressing, toilet, shower rooms and passageways shall be well drained and shall be treated daily with a suitable fungicide.

13.4 Hot Tubs & Spas: the water in Hot Tubs and Spas shall be drained completely no less than once a month, preferably once a week.

Section 14.0 CHEMICAL AND BACTERIOLOGICAL ANALYSES OF WATER

14.1 The Department of Health shall cause to be made chemical and bacteriological analyses of samples of water from each swimming and wading pools, hot tubs and spas, and shall report its findings thereon to the person maintaining such pools, hot tubs or spas. The report shall state whether or not the condition of such water is such as to be detrimental to the health and safety of the users. The first analyses of samples of water from a newly opened swimming or wading pool, hot tub or spa, shall be made within thirty (30) days after the receipt of an application for a license for such pool.

14.2 Chemical Standards of the Water:

14.2.1 A swimming or wading pool, hot tub or spa, while in use, shall be continuously disinfected by a chlorinated agent which imparts an easily measured free available residual effect.

14.2.2 Testing equipment which is capable of measuring the maximum and minimum chemical standards stated herein must be provided including a fresh supply of test reagents.

14.2.3 Chemicals, other than those used for the proper maintenance of the pool, shall not be added to the pool, its recirculation system without the written approval of the Licensing Agency.

14.2.4 The owner will be responsible for any monitoring deemed necessary by the Licensing Agency which results from the addition of chemicals other than those used for pH and disinfectant.

14.2.5 Swimming and Wading Pools

Free chlorine, combined chlorine, and pH values shall be continuously maintained within the following ranges:

	Minimum	Ideal	Maximum	
			Indoor Pools	Outdoor Pools
Free chlorine residual (ppm)*	0.7		2.0	3.0
Combined chlorine (ppm)*	none	none	0.2**	0.2**
pH	7.2	7.4 - 7.6	7.8	7.8

* ppm means parts per million

** Remedial action shall be taken if combined chlorine exceeds 0.2 as it will result in reduced chlorine efficacy.

Alternate disinfection systems require a variance to these regulations as indicated in Section 17.0

14.2.6 Hot Tubs & Spas

The following temperatures, disinfectant levels and chemical values shall be continuously maintained within the following ranges for hot tubs and spas:

	Minimum	Ideal	Maximum
Temperatures (degrees Fahrenheit)			105
Free chlorine residual(ppm)*	1.0		5.0
Combined chlorine (ppm)*	none	none	0.2**
pH	7.2	7.4 - 7.6	7.8

* ppm means parts per million

** Remedial action shall be taken if combined chlorine residuals exceed 0.2 ppm as it will result in reduced disinfectant efficacy.

14.2.7 Sampling, Testing and Record Keeping

a) Swimming and Wading Pools: Operators of swimming and wading pools shall sample the water content of the pool each day it is in operation for the parameters set forth in section 14.2.5 above.

b) Hot Tubs and Spas: Operators of hot tubs and spas shall test the pH and temperature for hot tubs and spas each day they are in operation for the parameters set forth in section 14.2.6 above .

c) Results of all analyses and testings shall be recorded by the operator and the records made available to the Licensing Agency. Such records shall be maintained for a period of no less than one year.

14.3 Bacteriological Quality of the Water

14.3.1 Water samples of swimming and wading pools, hot tubs and spas, shall be collected whenever deemed necessary. No sample shall contain more than 200 bacteria per milliliter as determined by the standard thirty five degree C. (35°C) agar plate count.

14.3.2 Samples collected for microbiological examination testing shall be conducted in accordance with procedures set forth in the current "Standard Methods for the Examination of Water and Wastewater", of the American Public Health Association.

14.3.3 Hot tubs & Spas

Pseudomonas aeruginosa: Examinations may be made for bacteria of the pseudomonas group. Whenever such examinations are made, not more than five (5) organisms per 100 milliliters of water should be present.

Section 15.0 CLARITY OF WATER

15.1 The water of the swimming and wading pools, hot tubs and spas, shall be sufficiently clear so that the main drain grate(s) and the bottom of the pool and hot tub and spas are clearly visible when in use.

Section 16.0 GENERAL SAFETY REQUIREMENTS

16.1 Licensed swimming and wading pools, hot tubs and spas, shall meet the lifeguard requirements and such other related safety and first aid requirements in accordance with the statutory and regulatory provisions of the Department of Environmental Management.

16.2 All entrances leading to a swimming and/or wading pool, hot tub or spa, shall be secured with a locking device whenever the pool and hot tub or spa is closed to bathers.

16.3 Precautions shall be taken to protect personnel from injury when handling acids and strong oxidizing agents. Such chemicals shall be stored in a secure and safe manner.

16.4 Owners and/or operators of swimming and wading pools, hot tubs and spas, shall establish written policies governing no less than the following:

a) any person with an infectious and/or communicable disease shall be prohibited from utilizing the swimming and wading pool, hot tub and spa, including persons with open lesions, blisters and/or cuts or rashes;

b) prohibiting spitting, spouting water, and blowing the nose in the swimming or wading pool, hot tub or spa;

c) prohibiting running, boisterous, or rough play in the swimming or wading pool, hot tub or spa, and/or surrounding areas;

d) prohibiting of pets and other animals in the swimming or therapeutic pool except for seeing-eyed dogs accompanied by a blind person;

e) establishing safety provisions pertaining to the use of swimming pool slides and diving boards;

f) cleansing shower baths prior to entering swimming or wading pools, hot tubs or spas;

g) prohibiting food and drink within the swimming or wading pool or hot tub or spa enclosure except in designated areas; and

h) such other provisions as owners may deem necessary for the protection and safety of the bathers.

16.6 In addition to the above, owners or operators shall:

a) post warning to users of hot tubs and spas regarding the advisability of pregnant women, individuals suffering from heart disease, diabetes and high or low blood pressure, persons using alcohol, anti-

coagulants, anti-histamines, vaso-constrictor, vasodialators, stimulants, narcotics or tranquilizers to contact their physician regarding the appropriateness of their use of hot tubs and spas.

b) permit the use of the hot tub or spa only for reasonable length of time, not to exceed fifteen (15) minutes.

c) suggest bathers to shower and cool down prior to returning for another brief stay to prevent nausea dizziness and fainting.

16.7 The policies and warning sign governing the use of pools, hot tubs and spas by bathers as required above shall be posted in a conspicuous place in the swimming and wading pool, hot tub and spa area accessible to bathers.

PART V VARIANCE, VIOLATIONS AND SANCTIONS, PRACTICES AND PROCEDURES, AND SEVERABILITY

Section 17.0 VARIANCE PROCEDURE

17.1 The Licensing Agency may grant a variance either upon its own motion or upon request of the applicant from the provisions of any rules or regulations in a specific case, if it finds that a literal enforcement of such provision will result in unnecessary hardship to the applicant and that such variance will not be contrary to the public interest, public health and/or health and safety of the public.

17.2 A request for a variance shall be filed by an applicant in writing setting forth in detail the basis upon which the request is made.

17.2.1 Upon the filing of each request for variance with the Licensing Agency and within thirty (30) days thereafter, the Licensing Agency shall notify the applicant by certified mail of its approval or in the case of a denial, a hearing date, time and place may be scheduled if the denial is appealed.

Section 18.0 VIOLATIONSAND SANCTIONS

18.1 Any person, other than a city or town, whether as principal or agent, employer or employee, who violates any of the provisions of this chapter, or any of the rules and regulations made by the department of health pursuant to this chapter, shall be punished by a fine of not more than fifty dollars ($50.00) for each offense, and each day that any violation occurs shall constitute a separate and distinct offense.

Section 19.0 PROCEDURES AND PRACTICES

19.1 All hearings and reviews required under the provisions of the Act shall be held in accordance with the provisions of the rules and regulations promulgated by the Rhode Island Department of Health entitled, "Rules and Regulations Governing the Practices and Procedures Before the Rhode Island Department of Health."

Section 20.0 SEVERABILITY

20.1 If any provision of these rules and regulations or the application thereof to any swimming or therapeutic pool owner or circumstance shall be held invalid, such invalidity shall not effect the provisions or application of the regulations which can be given effect, and to this end the provisions of the regulations are declared to be severable.

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APPENDIX A

BARRIER FOR SWIMMING POOLS, SPAS AND HOT TUBS

REQUIREMENTS

Section I. Outdoor Swimming Pool

An outdoor swimming pool, including a hot tub or spa, shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool.

2. Openings in the barriers shall not allow passage of a 4 inch diameter sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members if less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1: inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1: inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1: inches in width.

6. Maximum mesh size for chain link fences shall be a 13 inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1: inches.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1: inches.

8. Access gates shall comply with the requirements of Section I, Paragraphs 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate and (b) the gate and barrier shall have no opening greater than 2 inch within 18 inches of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier, direct access to the pool through the wall shall be limited to doors and windows which meet the following conditions:

   A. Windows leading to the pool area shall have a latching device at least 54 inches above the floor.

   B. Hinged doors leading to the pool area shall be self-closing and shall have a self-latching device. The

release mechanism of the self-latching device shall be located at least 54 inches above the floor.

C. Sliding doors or sliding screen doors leading to the pool area shall be self-closing and shall have a self-latching device or other barrier approved by the authority having jurisdiction. The release mechanism of the self-latching device shall be located at least 54 inches above the floor.

Section II. Indoor Swimming Pool

All walls surrounding an indoor swimming pool shall comply with Section I, Paragraph 9.

Section III. Prohibited Locations

Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.