

# SENATE BILL 570

J1, F5

(8lr1686)

## ENROLLED BILL

—Finance/Health and Government Operations—

Introduced by **Senators Garagiola, Astle, Exum, Glassman, Kittleman, Klausmeier, Middleton, Pugh, and Robey**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Emergency Medical Services Board – Public Access Automated**  
3 **External Defibrillator Program**

4 FOR the purpose of renaming the Automated External Defibrillator Program to be the  
5 Public Access Automated External Defibrillator Program; identifying the  
6 purpose of the program; repealing the authority of the State Emergency Medical  
7 Services Board to set and require certain fees for the issuance and renewal of  
8 certain certificates; authorizing the Board to deny, suspend, revoke, or refuse to  
9 renew certain certificates, to approve certain educational and training programs  
10 that include training in automated external defibrillation, and to approve a  
11 certain protocol; repealing the authority of the Board to require certain facilities  
12 to produce certain records and equipment for inspection under certain  
13 circumstances; repealing the requirement that the Board pay certain fees to the  
14 Comptroller of the Treasury; exempting certain places of business from a

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 certain requirement that certain facilities possess certain certificates; altering  
 2 certain requirements relating to qualifying for a certain certificate; requiring  
 3 certain facilities to report certain uses of an AED to the Maryland Institute for  
 4 Emergency Medical Services Systems for certain review; repealing the  
 5 authorization for certain individuals to operate an AED at certain facilities  
 6 under certain circumstances; repealing the requirement that certain individuals  
 7 follow certain protocols; repealing the authority of the Board to issue a cease  
 8 and desist order or obtain injunctive relief under certain circumstances;  
 9 ~~repealing the requirement that certain facilities satisfy certain requirements in~~  
 10 ~~order to be immune from certain liabilities;~~ providing that certain members of  
 11 the regional council AED committee are not civilly liable for certain acts or  
 12 omissions; ~~repealing certain requirements that certain individuals must meet in~~  
 13 ~~order to be immune from certain liabilities;~~ providing that certain immunities  
 14 from civil liability are not affected by certain other provisions of this Act;  
 15 defining certain terms; and generally relating to the Public Access Automated  
 16 External Defibrillator Program.

17 BY repealing and reenacting, without amendments,  
 18 Article – Education  
 19 Section 13–501(g)  
 20 Annotated Code of Maryland  
 21 (2006 Replacement Volume and 2007 Supplement)

22 BY repealing and reenacting, with amendments,  
 23 Article – Education  
 24 Section 13–517  
 25 Annotated Code of Maryland  
 26 (2006 Replacement Volume and 2007 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article – Education**

30 13–501.

31 (g) “Institute” means the Maryland Institute for Emergency Medical Services  
 32 Systems.

33 13–517.

34 (a) (1) In this section the following words have the meanings indicated.

35 (2) [“Authorized facility” means an organization, business, association,  
 36 or agency that meets the requirements of the EMS Board for providing automated  
 37 external defibrillation.

1           (3)] “Automated external defibrillator (AED)” means a medical heart  
2 monitor and defibrillator device that:

3                   (i) Is cleared for market by the federal Food and Drug  
4 Administration;

5                   (ii) Recognizes the presence or absence of ventricular fibrillation  
6 or rapid ventricular tachycardia;

7                   (iii) Determines, without intervention by an operator, whether  
8 defibrillation should be performed;

9                   (iv) On determining that defibrillation should be performed,  
10 automatically charges; and

11                   (v) 1. Requires operator intervention to deliver the  
12 electrical impulse; or

13                                 2. Automatically continues with delivery of electrical  
14 impulse.

15           [(4)] (3) “Certificate” means a certificate issued by the EMS Board to  
16 [an authorized] A REGISTERED facility.

17           [(5)] (4) “Facility” means an agency, association, corporation, firm,  
18 partnership, or other entity.

19           [(6)] (5) “Jurisdictional emergency medical services operational  
20 program” means the institution, agency, corporation, or other entity that has been  
21 approved by the EMS Board to provide oversight of emergency medical services for  
22 each of the local government and State and federal emergency medical services  
23 programs.

24           (6) **“PROGRAM” MEANS THE PUBLIC ACCESS AUTOMATED**  
25 **EXTERNAL DEFIBRILLATOR PROGRAM.**

26           (7) “Regional administrator” means the individual employed by the  
27 Institute as regional administrator in each EMS region.

28           (8) “Regional council” means an EMS advisory body as created by the  
29 Code of Maryland Regulations 30.05.

30           (9) “Regional council AED committee” means a committee appointed  
31 by the regional council consisting of:

32                   (i) The regional medical director;

- 1 (ii) The regional administrator; and  
 2 (iii) Three or more individuals with knowledge of and expertise  
 3 in AEDs.

4 [(10) “Sponsoring physician” means a physician who:

- 5 (i) Is licensed to practice medicine under Title 14 of the Health  
 6 Occupations Article;  
 7 (ii) Provides medical oversight to an authorized facility; and  
 8 (iii) Meets qualifications established by the EMS Board.]

9 (10) **“REGISTERED FACILITY” MEANS AN ORGANIZATION,**  
 10 **BUSINESS ASSOCIATION, AGENCY, OR OTHER ENTITY THAT MEETS THE**  
 11 **REQUIREMENTS OF THE EMS BOARD FOR REGISTERING WITH THE PROGRAM.**

12 (b) (1) There is [an] **A PUBLIC ACCESS** Automated External  
 13 Defibrillator Program.

14 (2) The purpose of the Program is to [provide a means of authorizing a  
 15 facility to make automated external defibrillation available to an individual who is a  
 16 victim of sudden cardiac arrest if physician services or emergency medical services are  
 17 not immediately available] **COORDINATE AN EFFECTIVE STATEWIDE PUBLIC**  
 18 **ACCESS DEFIBRILLATION PROGRAM.**

19 (3) The Program shall be administered by the EMS Board.

20 (c) The EMS Board may:

21 (1) Adopt regulations for the administration of the Program;

22 (2) [Set reasonable fees for the issuance and renewal of certificates  
 23 and other services it provides under the Program provided that the fees set produce  
 24 funds to approximate the cost of maintaining the certification program and the other  
 25 services provided under the Program;

26 (3)] Issue and renew certificates to facilities that meet the  
 27 requirements of this section;

28 [(4)] **(3)** Deny, suspend, revoke, or refuse to renew the certificate of  
 29 [an authorized] **A REGISTERED** facility for failure to meet the requirements of this  
 30 section;

1                    [(5)] (4)    Approve educational and training programs required under  
2 this section that:

3                    (i)    Are conducted by any private or public entity;

4                    (ii)   Include training in cardiopulmonary resuscitation **AND**  
5 **AUTOMATED EXTERNAL DEFIBRILLATION**; and

6                    (iii)   May include courses from nationally recognized entities such  
7 as the American Heart Association, the American Red Cross, and the National Safety  
8 Council;

9                    [(6)] (5)    Approve [protocols] **THE PROTOCOL** for the use of an  
10 [automated external defibrillator] **AED**; **AND**

11                   [(7)    Require each authorized facility on reasonable notice to produce for  
12 inspection:

13                    (i)    Maintenance records;

14                    (ii)   Training records; and

15                    (iii)   Equipment; and

16                   [(8)] (6)    Delegate to the Institute any portion of its authority under  
17 this section.

18                   (d)   [(1)    The EMS Board shall pay all fees collected under the provisions of  
19 this section to the Comptroller of the Treasury.

20                   (2)    The Comptroller of the Treasury shall distribute the fees to the  
21 Maryland Emergency Medical System Operations Fund established under § 13–955 of  
22 the Transportation Article.

23                   (e)] (1)    Each facility that desires to make automated external  
24 defibrillation available shall possess a valid certificate from the EMS Board.

25                   (2)    This subsection does not apply to:

26                    (i)    A jurisdictional emergency medical services operational  
27 program;

28                    (ii)   A licensed commercial ambulance service; [or]

29                    (iii)   A health care facility as defined in § 19–114 of the Health –  
30 General Article; **OR**

1                   (IV) A PLACE OF BUSINESS FOR HEALTH CARE  
2 PRACTITIONERS WHO ARE LICENSED AS DENTISTS UNDER TITLE 4 OF THE  
3 HEALTH OCCUPATIONS ARTICLE OR AS PHYSICIANS UNDER TITLE 14 OF THE  
4 HEALTH OCCUPATIONS ARTICLE AND ARE AUTHORIZED TO USE AN AED IN  
5 ACCORDANCE WITH THAT LICENSE.

6           [(f)] (E)     To qualify for a certificate a facility shall:

7                   (1)   [Have medical direction through:

8                           (i)   A sponsoring physician; or

9                           (ii)   The regional council AED committee;

10                   (2)   Be registered with the closest jurisdictional emergency medical  
11 services operational program;

12                   (3)]   Comply with **THE** written [protocols] **PROTOCOL** approved by the  
13 EMS Board for the use of an [automated external defibrillator] **AED** which [include:

14                           (i)   Notification] **INCLUDES NOTIFICATION** of the emergency  
15 medical services system through the use of the 911 universal emergency access  
16 number as soon as possible on the use of an [automated external defibrillator] **AED**;  
17 [and

18                           (ii)   Subsequent reporting of the use of an automated external  
19 defibrillator to the closest jurisdictional emergency medical services operational  
20 program;]

21                   [(4)] (2)   Have established automated external defibrillator  
22 maintenance, placement, operation, reporting, and quality improvement procedures as  
23 required by the EMS Board;

24                   [(5)   Ensure that:

25                           (i)   Each automated external defibrillator is maintained,  
26 operated, and tested according to manufacturers' guidelines; and

27                           (ii)   Written records of the maintenance and testing of each  
28 automated external defibrillator are maintained as required by the EMS Board; and

29                   (6)] (3)     **MAINTAIN EACH AED AND ALL RELATED EQUIPMENT**  
30 **AND SUPPLIES IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE**

1 **DEVICE MANUFACTURER AND THE FEDERAL FOOD AND DRUG**  
2 **ADMINISTRATION; AND**

3 (4) Ensure that each individual who [operates] **IS EXPECTED TO**  
4 **OPERATE** an [automated external defibrillator] **AED** for the [authorized]  
5 **REGISTERED** facility has successfully completed an educational training course and  
6 refresher training as required by the EMS Board.

7 **(F) A REGISTERED FACILITY SHALL REPORT THE USE OF AN AED TO**  
8 **THE INSTITUTE FOR REVIEW BY THE REGIONAL COUNCIL AED COMMITTEE.**

9 (g) A facility that desires to establish or renew a certificate shall:

10 (1) Submit an application on the form that the EMS Board requires;

11 **AND**

12 (2) [Pay to the EMS Board the application or renewal fee set by the  
13 EMS Board; and

14 (3)] Meet the requirements under this section.

15 (h) (1) The EMS Board shall issue a new or a renewed certificate to a  
16 facility that meets the requirements of this section.

17 (2) Each certificate shall include:

18 (i) The type of certificate;

19 (ii) The full name and address of the facility;

20 (iii) A unique identification number; and

21 (iv) The dates of issuance and expiration of the certificate.

22 [(i)] **(3)** A certificate is valid for 3 years.

23 [(j)] An individual who is authorized to operate an automated external  
24 defibrillator at an authorized facility may administer automated external  
25 defibrillation to an individual who is reasonably believed to be a victim of sudden  
26 cardiac arrest if physician services or emergency medical services are not immediately  
27 available.

28 (k) An individual who is authorized to operate an automated external  
29 defibrillator at an authorized facility shall follow the protocols established by the EMS  
30 Board.

1 (1) (I) The EMS Board may issue a cease and desist order or obtain injunctive  
2 relief[:

3 (1) If] IF a facility makes automated external defibrillation available  
4 in violation of this section[; or

5 (2) If an individual provides automated external defibrillation in  
6 violation of this section].

7 [(m)] (J) (1) In addition to any other immunities available under  
8 statutory or common law, [an authorized] A REGISTERED facility is not civilly liable  
9 for any act or omission in the provision of automated external defibrillation if the  
10 ~~authorized~~ REGISTERED facility[:

11 (i) Has satisfied the requirements for making automated  
12 external defibrillation available under this section; and

13 (ii) Possesses] POSSESSES a valid certificate at the time of the  
14 act or omission.

15 (2) In addition to any other immunities available under statutory or  
16 common law, [the sponsoring physician of an authorized facility] A MEMBER OF THE  
17 REGIONAL COUNCIL AED COMMITTEE is not civilly liable for any act or omission in  
18 the provision of automated external defibrillation.

19 (3) In addition to any other immunities available under statutory or  
20 common law, an individual is not civilly liable for any act or omission if:

21 (i) The individual is acting in good faith while rendering  
22 automated external defibrillation to a person who is a victim or reasonably believed by  
23 the individual to be a victim of a sudden cardiac arrest; ~~AND~~

24 (ii) [The assistance or aid is provided in a reasonably prudent  
25 manner;

26 (iii)] The automated external defibrillation is provided without  
27 fee or other compensation[; and

28 (iv) 1. The act or omission occurs while the individual is  
29 providing automated external defibrillation in accordance with the requirements of  
30 this section at ~~an authorized~~ A REGISTERED facility;

31 2. The individual has successfully completed an AED  
32 training course and is ~~authorized~~ EXPECTED to provide automated external  
33 defibrillation; or



1                   3.    The individual is using an automated external  
2 defibrillator obtained by a prescription issued by a physician.

3                   (4)   The immunities in this subsection are not available if the conduct  
4 of the [authorized] **REGISTERED** facility amounts to gross negligence, willful or  
5 wanton misconduct, or intentionally tortious conduct.

6                   (5)   This subsection does not affect, and may not be construed as  
7 affecting, any immunities from civil or criminal liability or defenses established by any  
8 other provision of the Code or by common law to which [an authorized] **A**  
9 **REGISTERED** facility, **A MEMBER OF THE ~~AED~~ REGIONAL COUNCIL AED**  
10 **COMMITTEE**, or an individual may be entitled.

11                [(n)] **(K)**   (1)   [An authorized] **A REGISTERED** facility aggrieved by a  
12 decision of the Institute acting under the delegated authority of the EMS Board under  
13 this section shall be afforded an opportunity for a hearing before the EMS Board.

14                (2)   [An authorized] **A REGISTERED** facility aggrieved by a decision of  
15 the EMS Board under this section shall be afforded an opportunity for a hearing in  
16 accordance with Title 10, Subtitle 2 of the State Government Article.

17                SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 ~~July~~ October 1, 2008.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

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Speaker of the House of Delegates.