

SENATE BILL 570

J1, F5

8lr1686

By: **Senators Garagiola, Astle, Exum, Glassman, Kittleman, Klausmeier, Middleton, Pugh, and Robey**

Introduced and read first time: February 1, 2008

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2008

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
15 certain requirement that certain facilities possess certain certificates; altering
16 certain requirements relating to qualifying for a certain certificate; requiring
17 certain facilities to report certain uses of an AED to the Maryland Institute for
18 Emergency Medical Services Systems for certain review; repealing the
19 authorization for certain individuals to operate an AED at certain facilities
20 under certain circumstances; repealing the requirement that certain individuals
21 follow certain protocols; repealing the authority of the Board to issue a cease
22 and desist order or obtain injunctive relief under certain circumstances;
23 ~~repealing the requirement that certain facilities satisfy certain requirements in~~
24 ~~order to be immune from certain liabilities;~~ providing that certain members of
25 the regional council AED committee are not civilly liable for certain acts or

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.



1 omissions; ~~repealing certain requirements that certain individuals must meet in~~
2 ~~order to be immune from certain liabilities~~; providing that certain immunities
3 from civil liability are not affected by certain other provisions of this Act;
4 defining certain terms; and generally relating to the Public Access Automated
5 External Defibrillator Program.

6 BY repealing and reenacting, without amendments,
7 Article – Education
8 Section 13–501(g)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 13–517
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article – Education**

19 13–501.

20 (g) “Institute” means the Maryland Institute for Emergency Medical Services
21 Systems.

22 13–517.

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

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

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

29 (i) Is cleared for market by the federal Food and Drug
30 Administration;

31 (ii) Recognizes the presence or absence of ventricular fibrillation
32 or rapid ventricular tachycardia;

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

1 (iv) On determining that defibrillation should be performed,
2 automatically charges; and

3 (v) 1. Requires operator intervention to deliver the
4 electrical impulse; or

5 2. Automatically continues with delivery of electrical
6 impulse.

7 [(4) (3) "Certificate" means a certificate issued by the EMS Board to
8 [an authorized] **A REGISTERED** facility.

9 [(5) (4) "Facility" means an agency, association, corporation, firm,
10 partnership, or other entity.

11 [(6) (5) "Jurisdictional emergency medical services operational
12 program" means the institution, agency, corporation, or other entity that has been
13 approved by the EMS Board to provide oversight of emergency medical services for
14 each of the local government and State and federal emergency medical services
15 programs.

16 (6) **"PROGRAM" MEANS THE PUBLIC ACCESS AUTOMATED**
17 **EXTERNAL DEFIBRILLATOR PROGRAM.**

18 (7) "Regional administrator" means the individual employed by the
19 Institute as regional administrator in each EMS region.

20 (8) "Regional council" means an EMS advisory body as created by the
21 Code of Maryland Regulations 30.05.

22 (9) "Regional council AED committee" means a committee appointed
23 by the regional council consisting of:

24 (i) The regional medical director;

25 (ii) The regional administrator; and

26 (iii) Three or more individuals with knowledge of and expertise
27 in AEDs.

28 [(10) "Sponsoring physician" means a physician who:

29 (i) Is licensed to practice medicine under Title 14 of the Health
30 Occupations Article;

31 (ii) Provides medical oversight to an authorized facility; and

1 (iii) Meets qualifications established by the EMS Board.]

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

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

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

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

13 (c) The EMS Board may:

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

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

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

21 [(4)] (3) Deny, suspend, revoke, or refuse to renew the certificate of
 22 [an authorized] **A REGISTERED** facility for failure to meet the requirements of this
 23 section;

24 [(5)] (4) Approve educational and training programs required under
 25 this section that:

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

27 (ii) Include training in cardiopulmonary resuscitation **AND**
 28 **AUTOMATED EXTERNAL DEFIBRILLATION**; and

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

1 [(6)] **(5)** Approve [protocols] **THE PROTOCOL** for the use of an
2 [automated external defibrillator] **AED**; **AND**

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

5 (i) Maintenance records;

6 (ii) Training records; and

7 (iii) Equipment; and

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

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

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

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

17 (2) This subsection does not apply to:

18 (i) A jurisdictional emergency medical services operational
19 program;

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

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

23 **(IV) A PLACE OF BUSINESS FOR HEALTH CARE**
24 **PRACTITIONERS WHO ARE LICENSED AS DENTISTS UNDER TITLE 4 OF THE**
25 **HEALTH OCCUPATIONS ARTICLE OR AS PHYSICIANS UNDER TITLE 14 OF THE**
26 **HEALTH OCCUPATIONS ARTICLE AND ARE AUTHORIZED TO USE AN AED IN**
27 **ACCORDANCE WITH THAT LICENSE.**

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

29 (1) [Have medical direction through:

30 (i) A sponsoring physician; or

1 (ii) The regional council AED committee;

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

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

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

10 (ii) Subsequent reporting of the use of an automated external
11 defibrillator to the closest jurisdictional emergency medical services operational
12 program;]

13 [(4) (2) Have established automated external defibrillator
14 maintenance, placement, operation, reporting, and quality improvement procedures as
15 required by the EMS Board;

16 [(5) Ensure that:

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

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

21 (6) (3) **MAINTAIN EACH AED AND ALL RELATED EQUIPMENT**
22 **AND SUPPLIES IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE**
23 **DEVICE MANUFACTURER AND THE FEDERAL FOOD AND DRUG**
24 **ADMINISTRATION; AND**

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

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

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

1 (1) Submit an application on the form that the EMS Board requires;
2 **AND**

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

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

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

8 (2) Each certificate shall include:

9 (i) The type of certificate;

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

11 (iii) A unique identification number; and

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

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

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

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

22 (l) **(I)** The EMS Board may issue a cease and desist order or obtain injunctive
23 relief[;

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

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

28 [(m)] **(J)** (1) In addition to any other immunities available under
29 statutory or common law, [an authorized] **A REGISTERED** facility is not civilly liable
30 for any act or omission in the provision of automated external defibrillation if the
31 authorized facility[;

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

3 (ii) Possesses~~POSSESSES~~ a valid certificate at the time of the
4 act or omission.

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

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

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

14 (ii) ~~The~~ assistance or aid is provided in a reasonably prudent
15 manner;

16 (iii) ~~The~~ automated external defibrillation is provided without
17 fee or other compensation~~;~~ and

18 (iv) 1. The act or omission occurs while the individual is
19 providing automated external defibrillation in accordance with the requirements of
20 this section at an authorized facility;

21 2. The individual has successfully completed an AED
22 training course and is authorized to provide automated external defibrillation; or

23 3. The individual is using an automated external
24 defibrillator obtained by a prescription issued by a physician~~;~~.

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

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.