

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 461

(Senator Jacobs)

Judicial Proceedings

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**Emergency Medical Services - Automated External Defibrillators - Immunity  
from Liability and Facility Registration Requirement**

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This bill extends immunity from civil liability to an individual who provides assistance or medical aid to a victim at the scene of an emergency if (1) the assistance is provided by use of an available automated external defibrillator (AED); (2) the assistance or aid is provided in a reasonably prudent manner; and (3) the individual relinquishes care of the victim when someone who is licensed or certified by the State to provide medical care or services becomes available to take responsibility. In addition, the bill alters education requirements for a facility that seeks to make an AED available. Specifically, the bill (1) repeals the requirement for the facility to ensure that *each* individual who is expected to operate an AED for the facility has successfully completed an educational training course and refresher training as required by the State Emergency Medical Services (EMS) Board; and (2) requires the facility to instead ensure that *one* individual at the facility has successfully completed a seminar on AED use and maintenance that is given by or approved by the board.

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**Fiscal Summary**

**State Effect:** Neither the bill's extension of immunity nor the bill's modification of specified education requirements is anticipated to materially affect State finances or operations.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law/Background:** AEDs analyze a cardiac arrest victim's cardiac rhythm; charge to an appropriate energy level; and deliver an electric charge, as directed by the operator, through adhesive pads placed on the victim's chest.

Chapter 167 of 1999, which created the AED Program, authorizes a facility to make AEDs available to victims of sudden cardiac arrest. The program is administered by the EMS Board, which certifies facilities to operate AEDs. A certificate is valid for three years and is not required for a health care facility, a licensed commercial ambulance service, a jurisdictional emergency medical service, or a place of business for a licensed dentist or physician. To qualify for a certificate, a facility must (1) comply with written protocol approved by the board; (2) have established AED maintenance, placement, operation, reporting, and quality improvement procedures as required by the board; (3) maintain each AED and all related equipment and supplies in accordance with specified standards; and (4) ensure that each individual who is expected to operate an AED for the facility has successfully completed an educational training course and refresher training as required by the board.

Specified medical and/or emergency care providers are immune from civil liability for any act or omission in giving any assistance or medical care if (1) the act or omission is not one of gross negligence; (2) the assistance or medical care is provided without fee or other compensation; and (3) the assistance or medical care is provided at the scene of the emergency, in transit to a medical facility, or through communications with personnel providing emergency assistance. Other individuals are immune from civil liability for any act or omission in giving any assistance or medical care if (1) the assistance or aid is provided in a reasonably prudent manner; (2) the assistance or aid is provided without fee or other compensation; and (3) the individual relinquishes care of the victim when someone who is licensed or certified by the State to provide medical care or services becomes available to take responsibility.

In addition to any other immunities available under statutory or common law, an individual is not civilly liable for any act or omission if (1) the individual is acting in good faith while rendering automated external defibrillation to a person who is a victim or reasonably believed by the individual to be a victim of a sudden cardiac arrest; (2) the assistance or aid is provided in a reasonably prudent manner; and (3) the automated external defibrillation is provided without fee or other compensation.

This immunity is not available if the conduct of the individual or facility amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct. This immunity does not affect any immunities from civil or criminal liability or defenses established by any other provision of the Maryland Annotated Code or by common law to

which a registered facility, a member of the regional council AED committee, or an individual may be entitled.

The Maryland Institute for Emergency Medical Services Systems advises that 1,154 AED programs have placed 3,457 AEDs at sites throughout the State. Almost 60,000 individuals have received training through these AED programs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Institute for Emergency Medical Services Systems, Department of Health and Mental Hygiene, Maryland Association of County Health Officers, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2012  
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