

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 213

(Senator Jacobs, *et al.*)

Judicial Proceedings

Emergency Medical Services - Automated External Defibrillators - Immunity
from Liability

This bill extends immunity from civil liability, under the Courts and Judicial Proceedings Article, to an individual who provides assistance or medical aid to a victim at the scene of an emergency if (1) the assistance or aid 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.

Fiscal Summary

State Effect: The bill's extension of immunity is not anticipated to materially affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

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.

AED Program

Chapter 167 of 1999 (SB 294), which created the AED Program, authorizes a facility to make AEDs available to victims of sudden cardiac arrest. The program is administered by the State Emergency Medical Services (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.

The Maryland Institute for Emergency Medical Services Systems (MIEMSS) advises that 1,244 AED programs have placed more than 6,700 AEDs at 3,630 sites throughout the State. MIEMSS further advises that the program has had 104 successful AED uses (defined by the victim's pulse returning either at EMS arrival or during EMS transport) out of 462 reported instances.

Immunity from Liability

The Education Article specifies that, 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.

In addition, specified medical and/or emergency care providers are immune from civil liability, under the Courts and Judicial Proceedings Article, 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.

Additional Information

Prior Introductions: SB 461 of 2012, which contained similar provisions related to immunity, was heard by the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

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

Fiscal Note History: First Reader - March 11, 2013
mc/ljm

Analysis by: Jennifer A. Ellick

Direct Inquiries to:
(410) 946-5510
(301) 970-5510