

HOUSE BILL 223

Unofficial Copy  
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1999 Regular Session  
9lr0080  
CF 9lr1553

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By: **Chairman, Environmental Matters Committee (Departmental - Md.  
Inst. for Emer. Medical Serv. Sys.)**

Introduced and read first time: February 1, 1999

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 24, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Emergency Medical Services - Automated External Defibrillator Program**

3 FOR the purpose of establishing an Automated External Defibrillator Program to  
4 authorize certain facilities to make automated external defibrillation (AED)  
5 available; requiring certain facilities to have a certain certificate before they  
6 may make automated external defibrillation available; creating certain  
7 exceptions; defining certain terms; requiring an individual to have certain  
8 training and authorization before the individual may provide automated  
9 external defibrillation; creating certain exceptions; authorizing the Emergency  
10 Medical Services (EMS) Board to adopt certain rules and regulations;  
11 authorizing the EMS Board to set certain fees; authorizing the EMS Board to  
12 issue certificates to facilities meeting certain requirements to make automated  
13 external defibrillation available; authorizing the EMS Board to charge certain  
14 application and renewal fees; authorizing the EMS Board to suspend, revoke, or  
15 refuse to renew the certificates of certain facilities under certain circumstances;  
16 requiring facilities to meet certain requirements; requiring the EMS Board to  
17 issue a certificate to a facility that meets certain requirements; requiring  
18 certain information to be included on a certificate; providing immunity to  
19 certain persons under certain circumstances; authorizing the EMS Board to  
20 delegate certain of its functions under this Act to the Maryland Institute for  
21 Emergency Medical Services Systems; requiring the EMS Board to adopt certain  
22 regulations by a certain date; and generally relating to a program for facilities to  
23 provide automated external defibrillation under certain circumstances.

24 BY repealing and reenacting, without amendments,

25 Article - Education

26 Section 13-501(a), (e), and (g)

1 Annotated Code of Maryland  
2 (1997 Replacement Volume and 1998 Supplement)

3 BY adding to  
4 Article - Education  
5 Section 13-517  
6 Annotated Code of Maryland  
7 (1997 Replacement Volume and 1998 Supplement)

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

10 **Article - Education**

11 13-501.

12 (a) In this subtitle the following words have the meanings indicated.

13 (e) "Center" means the R Adams Cowley Shock Trauma Center.

14 (g) "Institute" means the Maryland Institute for Emergency Medical Services  
15 Systems.

16 13-517.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) "AUTHORIZED FACILITY" MEANS AN ORGANIZATION, BUSINESS,  
20 ASSOCIATION, OR AGENCY THAT MEETS THE REQUIREMENTS OF THE EMS BOARD  
21 FOR PROVIDING AUTOMATED EXTERNAL DEFIBRILLATION.

22 (3) "AUTOMATED EXTERNAL DEFIBRILLATOR (AED)" MEANS A MEDICAL  
23 HEART MONITOR AND DEFIBRILLATOR DEVICE THAT:

24 (I) IS CLEARED FOR MARKET BY THE FEDERAL FOOD AND DRUG  
25 ADMINISTRATION;

26 (II) RECOGNIZES THE PRESENCE OR ABSENCE OF VENTRICULAR  
27 FIBRILLATION OR RAPID VENTRICULAR TACHYCARDIA;

28 (III) DETERMINES, WITHOUT INTERVENTION BY AN OPERATOR,  
29 WHETHER DEFIBRILLATION SHOULD BE PERFORMED;

30 (IV) ON DETERMINING THAT DEFIBRILLATION SHOULD BE  
31 PERFORMED, AUTOMATICALLY CHARGES; AND

32 (V) 1. REQUIRES OPERATOR INTERVENTION TO DELIVER THE  
33 ELECTRICAL IMPULSE; OR

1 2. AUTOMATICALLY CONTINUES WITH DELIVERY OF  
2 ELECTRICAL IMPULSE.

3 (4) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE EMS BOARD  
4 TO AN AUTHORIZED FACILITY.

5 (5) "FACILITY" MEANS AN AGENCY, ASSOCIATION, CORPORATION, FIRM,  
6 PARTNERSHIP, OR OTHER ENTITY.

7 (6) "JURISDICTIONAL EMERGENCY MEDICAL SERVICES OPERATIONAL  
8 PROGRAM" MEANS THE INSTITUTION, AGENCY, CORPORATION, OR OTHER ENTITY  
9 THAT HAS BEEN APPROVED BY THE EMS BOARD TO PROVIDE OVERSIGHT OF  
10 EMERGENCY MEDICAL SERVICES FOR EACH OF THE LOCAL GOVERNMENT AND  
11 STATE AND FEDERAL EMERGENCY MEDICAL SERVICES PROGRAMS.

12 (7) "SPONSORING PHYSICIAN" MEANS A PHYSICIAN WHO:

13 (I) IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE  
14 HEALTH OCCUPATIONS ARTICLE;

15 (II) PROVIDES MEDICAL OVERSIGHT TO AN AUTHORIZED FACILITY;  
16 AND

17 (III) MEETS QUALIFICATIONS ESTABLISHED BY THE EMS BOARD.

18 (B) (1) THERE IS AN AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM.

19 (2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A MEANS OF  
20 AUTHORIZING A FACILITY TO MAKE AUTOMATED EXTERNAL DEFIBRILLATION  
21 AVAILABLE TO AN INDIVIDUAL WHO IS A VICTIM OF SUDDEN CARDIAC ARREST IF  
22 PHYSICIAN SERVICES OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY  
23 AVAILABLE.

24 (3) THE PROGRAM SHALL BE ADMINISTERED BY THE EMS BOARD.

25 (C) THE EMS BOARD MAY:

26 (1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM;

27 ~~(2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE~~  
28 ~~PROGRAM;~~

29 (2) SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF  
30 CERTIFICATES AND OTHER SERVICES IT PROVIDES UNDER THE PROGRAM PROVIDED  
31 THAT THE FEES SET PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING  
32 THE CERTIFICATION PROGRAM AND THE OTHER SERVICES PROVIDED UNDER THE  
33 PROGRAM;

34 (3) ISSUE AND RENEW CERTIFICATES TO FACILITIES THAT MEET THE  
35 REQUIREMENTS OF THIS SECTION;

1 (4) DENY, SUSPEND, REVOKE, OR REFUSE TO RENEW THE CERTIFICATE  
2 OF AN AUTHORIZED FACILITY FOR FAILURE TO MEET THE REQUIREMENTS OF THIS  
3 SECTION;

4 (5) APPROVE EDUCATIONAL AND TRAINING PROGRAMS REQUIRED  
5 UNDER THIS SECTION THAT:

6 (I) ARE CONDUCTED BY ANY PRIVATE OR PUBLIC ENTITY;

7 (II) INCLUDE TRAINING IN CARDIOPULMONARY RESUSCITATION;  
8 AND

9 (III) MAY INCLUDE COURSES FROM NATIONALLY RECOGNIZED  
10 ENTITIES SUCH AS THE AMERICAN HEART ASSOCIATION, THE AMERICAN RED CROSS,  
11 AND THE NATIONAL SAFETY COUNCIL;

12 (6) APPROVE PROTOCOLS FOR THE USE OF AN AUTOMATED EXTERNAL  
13 DEFIBRILLATOR;

14 (7) REQUIRE EACH AUTHORIZED FACILITY ON REASONABLE NOTICE TO  
15 PRODUCE FOR INSPECTION:

16 (I) MAINTENANCE RECORDS;

17 (II) TRAINING RECORDS; AND

18 (III) EQUIPMENT; AND

19 (8) DELEGATE TO THE INSTITUTE ANY PORTION OF ITS AUTHORITY  
20 UNDER THIS SECTION.

21 (D) (1) THE EMS BOARD SHALL PAY ALL FEES COLLECTED UNDER THE  
22 PROVISIONS OF THIS SECTION TO THE COMPTROLLER OF THE TREASURY.

23 (2) THE COMPTROLLER OF THE TREASURY SHALL DISTRIBUTE THE  
24 FEES TO THE MARYLAND EMERGENCY MEDICAL SYSTEM OPERATIONS FUND  
25 ESTABLISHED UNDER § 13-955 OF THE TRANSPORTATION ARTICLE.

26 (E) (1) EACH FACILITY THAT DESIRES TO MAKE AUTOMATED EXTERNAL  
27 DEFIBRILLATION AVAILABLE SHALL POSSESS A VALID CERTIFICATE FROM THE EMS  
28 BOARD.

29 (2) THIS SUBSECTION DOES NOT APPLY TO:

30 (I) A JURISDICTIONAL EMERGENCY MEDICAL SERVICES  
31 OPERATIONAL PROGRAM;

32 (II) A LICENSED COMMERCIAL AMBULANCE SERVICE; OR

33 (III) A HEALTH CARE FACILITY AS DEFINED IN § 19-101 OF THE  
34 HEALTH - GENERAL ARTICLE.

1 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN  
2 INDIVIDUAL MAY NOT OPERATE AUTOMATED EXTERNAL DEFIBRILLATION  
3 EQUIPMENT UNLESS IT IS OPERATED:

4 (I) THROUGH AN AUTHORIZED FACILITY; AND

5 (II) IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

6 (2) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO:

7 (I) SATISFIES THE REQUIREMENTS OF § 5-603(C) OF THE COURTS  
8 ARTICLE; OR

9 (II) HAS SUCCESSFULLY COMPLETED AN AED TRAINING COURSE  
10 AND IS CURRENTLY AUTHORIZED TO PROVIDE AUTOMATED EXTERNAL  
11 DEFIBRILLATION IN THE STATE WHERE THE INDIVIDUAL RESIDES OR WORKS.

12 (3) THIS SUBSECTION DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL  
13 TO:

14 (I) PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS  
15 LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THE  
16 HEALTH OCCUPATIONS ARTICLE;

17 (II) PROVIDE EMERGENCY MEDICAL SERVICES UNDER § 13-516 OF  
18 THE EDUCATION ARTICLE; OR

19 (III) OPERATE AN AUTOMATED EXTERNAL DEFIBRILLATOR THAT IS  
20 OBTAINED BY A PRESCRIPTION TO A KNOWN PATIENT ISSUED BY A PHYSICIAN  
21 LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS  
22 ARTICLE IF THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED AN EDUCATIONAL  
23 COURSE AND REFRESHER TRAINING AS REQUIRED BY THE EMS BOARD OR THE  
24 PRESCRIBING PHYSICIAN.

25 (G) TO QUALIFY FOR A CERTIFICATE A FACILITY SHALL:

26 (1) HAVE A SPONSORING PHYSICIAN;

27 (2) BE REGISTERED WITH THE CLOSEST JURISDICTIONAL EMERGENCY  
28 MEDICAL SERVICES OPERATIONAL PROGRAM;

29 (3) COMPLY WITH WRITTEN PROTOCOLS APPROVED BY THE EMS BOARD  
30 FOR THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR WHICH INCLUDE:

31 (I) NOTIFICATION OF THE EMERGENCY MEDICAL SERVICES  
32 SYSTEM THROUGH THE USE OF THE 911 UNIVERSAL EMERGENCY ACCESS NUMBER  
33 AS SOON AS POSSIBLE ON THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR;  
34 AND

1 (II) SUBSEQUENT REPORTING OF THE USE OF AN AUTOMATED  
2 EXTERNAL DEFIBRILLATOR TO THE CLOSEST JURISDICTIONAL EMERGENCY  
3 MEDICAL SERVICES OPERATIONAL PROGRAM;

4 (4) HAVE ESTABLISHED AUTOMATED EXTERNAL DEFIBRILLATOR  
5 MAINTENANCE, PLACEMENT, OPERATION, REPORTING, AND QUALITY IMPROVEMENT  
6 PROCEDURES AS REQUIRED BY THE EMS BOARD;

7 (5) ENSURE THAT:

8 (I) EACH AUTOMATED EXTERNAL DEFIBRILLATOR IS  
9 MAINTAINED, OPERATED, AND TESTED ACCORDING TO MANUFACTURERS'  
10 GUIDELINES; AND

11 (II) WRITTEN RECORDS OF THE MAINTENANCE AND TESTING OF  
12 EACH AUTOMATED EXTERNAL DEFIBRILLATOR ARE MAINTAINED AS REQUIRED BY  
13 THE EMS BOARD; AND

14 (6) ENSURE THAT EACH INDIVIDUAL WHO OPERATES AN AUTOMATED  
15 EXTERNAL DEFIBRILLATOR FOR THE AUTHORIZED FACILITY:

16 (I) HAS SUCCESSFULLY COMPLETED AN EDUCATIONAL TRAINING  
17 COURSE AND REFRESHER TRAINING AS REQUIRED BY THE EMS BOARD; AND

18 (II) IS AT LEAST 18 YEARS OF AGE, EXCEPT THAT AN INDIVIDUAL  
19 WHO IS BETWEEN THE AGES OF 16 AND 18 MAY BE AUTHORIZED TO OPERATE AN  
20 AUTOMATED EXTERNAL DEFIBRILLATOR WITH WRITTEN PERMISSION FROM A  
21 PARENT OR LEGAL GUARDIAN.

22 (H) A FACILITY THAT DESIRES TO ESTABLISH OR RENEW A CERTIFICATE  
23 SHALL:

24 (1) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD  
25 REQUIRES;

26 (2) PAY TO THE EMS BOARD THE APPLICATION OR RENEWAL FEE SET BY  
27 THE EMS BOARD; AND

28 (3) MEET THE REQUIREMENTS UNDER THIS SECTION.

29 (I) (1) THE EMS BOARD SHALL ISSUE A NEW OR A RENEWED CERTIFICATE  
30 TO A FACILITY THAT MEETS THE REQUIREMENTS OF THIS SECTION.

31 (2) EACH CERTIFICATE SHALL INCLUDE:

32 (I) THE TYPE OF CERTIFICATE;

33 (II) THE FULL NAME AND ADDRESS OF THE FACILITY;

34 (III) A UNIQUE IDENTIFICATION NUMBER; AND

1 (IV) THE DATES OF ISSUANCE AND EXPIRATION OF THE  
2 CERTIFICATE.

3 (J) A CERTIFICATE IS VALID FOR 3 YEARS.

4 (K) AN INDIVIDUAL WHO IS AUTHORIZED TO OPERATE AN AUTOMATED  
5 EXTERNAL DEFIBRILLATOR AT AN AUTHORIZED FACILITY MAY ADMINISTER  
6 AUTOMATED EXTERNAL DEFIBRILLATION TO AN INDIVIDUAL WHO IS REASONABLY  
7 BELIEVED TO BE A VICTIM OF SUDDEN CARDIAC ARREST IF PHYSICIAN SERVICES OR  
8 EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.

9 (L) AN INDIVIDUAL WHO IS AUTHORIZED TO OPERATE AN AUTOMATED  
10 EXTERNAL DEFIBRILLATOR AT AN AUTHORIZED FACILITY SHALL FOLLOW THE  
11 PROTOCOLS ESTABLISHED BY THE EMS BOARD.

12 (M) THE EMS BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN  
13 INJUNCTIVE RELIEF:

14 (1) IF A FACILITY MAKES AUTOMATED EXTERNAL DEFIBRILLATION  
15 AVAILABLE IN VIOLATION OF THIS SECTION; OR

16 (2) IF AN INDIVIDUAL PROVIDES AUTOMATED EXTERNAL  
17 DEFIBRILLATION IN VIOLATION OF THIS SECTION.

18 (N) (1) IN ADDITION TO ANY OTHER IMMUNITIES AVAILABLE UNDER  
19 STATUTORY OR COMMON LAW, AN AUTHORIZED FACILITY IS NOT CIVILLY LIABLE  
20 FOR ANY ACT OR OMISSION IN THE PROVISION OF AUTOMATED EXTERNAL  
21 DEFIBRILLATION IF THE AUTHORIZED FACILITY:

22 (I) HAS SATISFIED THE REQUIREMENTS FOR MAKING AUTOMATED  
23 EXTERNAL DEFIBRILLATION AVAILABLE UNDER THIS SECTION; AND

24 (II) POSSESSES A VALID CERTIFICATE AT THE TIME OF THE ACT OR  
25 OMISSION.

26 (2) IN ADDITION TO ANY OTHER IMMUNITIES AVAILABLE UNDER  
27 STATUTORY OR COMMON LAW, THE SPONSORING PHYSICIAN OF AN AUTHORIZED  
28 FACILITY IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN THE PROVISION OF  
29 AUTOMATED EXTERNAL DEFIBRILLATION.

30 (3) IN ADDITION TO ANY OTHER IMMUNITIES AVAILABLE UNDER  
31 STATUTORY OR COMMON LAW, AN INDIVIDUAL IS NOT CIVILLY LIABLE FOR ANY ACT  
32 OR OMISSION IF:

33 (I) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE RENDERING  
34 AUTOMATED EXTERNAL DEFIBRILLATION TO A PERSON WHO IS A VICTIM OR  
35 REASONABLY BELIEVED BY THE INDIVIDUAL TO BE A VICTIM OF A SUDDEN CARDIAC  
36 ARREST;

1 (II) THE ASSISTANCE OR AID IS PROVIDED IN A REASONABLY  
 2 PRUDENT MANNER;

3 ~~(H)~~ (III) THE AUTOMATED EXTERNAL DEFIBRILLATION IS  
 4 PROVIDED WITHOUT FEE OR OTHER COMPENSATION; AND

5 ~~(H)~~ (IV) ~~A. 1.~~ THE ACT OR OMISSION OCCURS WHILE THE  
 6 INDIVIDUAL IS PROVIDING AUTOMATED EXTERNAL DEFIBRILLATION IN  
 7 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AT AN AUTHORIZED  
 8 FACILITY;

9 ~~B.~~ 2. THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED  
 10 AN AED TRAINING COURSE AND IS AUTHORIZED TO PROVIDE AUTOMATED EXTERNAL  
 11 DEFIBRILLATION; OR

12 ~~C.~~ 3. THE INDIVIDUAL IS USING AN AUTOMATED  
 13 EXTERNAL DEFIBRILLATOR OBTAINED BY A PRESCRIPTION ISSUED BY A PHYSICIAN;  
 14 ~~OR~~

15 ~~D. 4.~~ ~~THE INDIVIDUAL IS A MEMBER OR EMPLOYEE OF~~  
 16 ~~ANY GOVERNMENTAL OR VOLUNTEER FIRE OR RESCUE COMPANY OR A~~  
 17 ~~COMMERCIAL AMBULANCE SERVICE.~~

18 (4) THE IMMUNITIES IN THIS SUBSECTION ARE NOT AVAILABLE IF THE  
 19 CONDUCT OF THE AUTHORIZED FACILITY ~~OR THE INDIVIDUAL~~ AMOUNTS TO GROSS  
 20 NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY TORTUOUS  
 21 CONDUCT.

22 (5) THIS SUBSECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED  
 23 AS AFFECTING, ANY IMMUNITIES FROM CIVIL OR CRIMINAL LIABILITY OR DEFENSES  
 24 ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR BY COMMON LAW TO  
 25 WHICH AN AUTHORIZED FACILITY OR AN INDIVIDUAL MAY BE ENTITLED.

26 (O) (1) AN AUTHORIZED FACILITY AGGRIEVED BY A DECISION OF THE  
 27 INSTITUTE ACTING UNDER THE DELEGATED AUTHORITY OF THE EMS BOARD UNDER  
 28 THIS SECTION SHALL BE AFFORDED AN OPPORTUNITY FOR A HEARING BEFORE THE  
 29 EMS BOARD.

30 (2) AN AUTHORIZED FACILITY AGGRIEVED BY A DECISION OF THE EMS  
 31 BOARD UNDER THIS SECTION SHALL BE AFFORDED AN OPPORTUNITY FOR A  
 32 HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT  
 33 ARTICLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the EMS Board shall  
 35 adopt regulations to implement the provisions of this Act on or before December 31,  
 36 1999.

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
 38 effect October 1, 1999.



