

SENATE BILL 294

Unofficial Copy
J1

1999 Regular Session
9r1553
CF HB 223

By: **Senators Hollinger, Collins, Pinsky, Forehand, Conway, Van Hollen, Sfikas, and Blount**

Introduced and read first time: February 4, 1999
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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 issue certificates to facilities meeting certain
12 requirements to make automated external defibrillation available; authorizing
13 the EMS Board to charge certain application and renewal fees; authorizing the
14 EMS Board to suspend, revoke, or refuse to renew the certificates of certain
15 facilities under certain circumstances; requiring facilities to meet certain
16 requirements; requiring the EMS Board to issue a certificate to a facility that
17 meets certain requirements; requiring certain information to be included on a
18 certificate; providing immunity to certain persons under certain circumstances;
19 authorizing the EMS Board to delegate certain of its functions under this Act to
20 the Maryland Institute for Emergency Medical Services Systems; requiring the
21 EMS Board to adopt certain regulations by a certain date; and generally relating
22 to a program for facilities to provide automated external defibrillation under
23 certain circumstances.

24 BY repealing and reenacting, without amendments,
25 Article - Education
26 Section 13-501(a), (e), and (g)
27 Annotated Code of Maryland
28 (1997 Replacement Volume and 1998 Supplement)

29 BY adding to
30 Article - Education
31 Section 13-517

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

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

5 **Article - Education**

6 13-501.

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

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

9 (g) "Institute" means the Maryland Institute for Emergency Medical Services
10 Systems.

11 13-517.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

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

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

19 (I) IS CLEARED FOR MARKET BY THE FEDERAL FOOD AND DRUG
20 ADMINISTRATION;

21 (II) RECOGNIZES THE PRESENCE OR ABSENCE OF VENTRICULAR
22 FIBRILLATION OR RAPID VENTRICULAR TACHYCARDIA;

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

25 (IV) ON DETERMINING THAT DEFIBRILLATION SHOULD BE
26 PERFORMED, AUTOMATICALLY CHARGES; AND

27 (V) 1. REQUIRES OPERATOR INTERVENTION TO DELIVER THE
28 ELECTRICAL IMPULSE; OR

29 2. AUTOMATICALLY CONTINUES WITH DELIVERY OF
30 ELECTRICAL IMPULSE.

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

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

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

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

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

11 (II) PROVIDES MEDICAL OVERSIGHT TO AN AUTHORIZED FACILITY;
12 AND

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

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

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

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

21 (C) THE EMS BOARD MAY:

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

23 (2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE
24 PROGRAM;

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

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

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

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

33 (II) INCLUDE TRAINING IN CARDIOPULMONARY RESUSCITATION;
34 AND

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

4 (6) APPROVE PROTOCOLS FOR THE USE OF AN AUTOMATED EXTERNAL
5 DEFIBRILLATOR;

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

8 (I) MAINTENANCE RECORDS;

9 (II) TRAINING RECORDS; AND

10 (III) EQUIPMENT; AND

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

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

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

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

21 (2) THIS SUBSECTION DOES NOT APPLY TO:

22 (I) A JURISDICTIONAL EMERGENCY MEDICAL SERVICES
23 OPERATIONAL PROGRAM;

24 (II) A LICENSED COMMERCIAL AMBULANCE SERVICE; OR

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

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

30 (I) THROUGH AN AUTHORIZED FACILITY; AND

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

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

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

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

6 (3) THIS SUBSECTION DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL
7 TO:

8 (I) PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS
9 LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THE
10 HEALTH OCCUPATIONS ARTICLE;

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

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

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

20 (1) HAVE A SPONSORING PHYSICIAN;

21 (2) BE REGISTERED WITH THE CLOSEST JURISDICTIONAL EMERGENCY
22 MEDICAL SERVICES OPERATIONAL PROGRAM;

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

25 (I) NOTIFICATION OF THE EMERGENCY MEDICAL SERVICES
26 SYSTEM THROUGH THE USE OF THE 911 UNIVERSAL EMERGENCY ACCESS NUMBER
27 AS SOON AS POSSIBLE ON THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR;
28 AND

29 (II) SUBSEQUENT REPORTING OF THE USE OF AN AUTOMATED
30 EXTERNAL DEFIBRILLATOR TO THE CLOSEST JURISDICTIONAL EMERGENCY
31 MEDICAL SERVICES OPERATIONAL PROGRAM;

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

35 (5) ENSURE THAT:

1 (I) EACH AUTOMATED EXTERNAL DEFIBRILLATOR IS
2 MAINTAINED, OPERATED, AND TESTED ACCORDING TO MANUFACTURERS'
3 GUIDELINES; AND

4 (II) WRITTEN RECORDS OF THE MAINTENANCE AND TESTING OF
5 EACH AUTOMATED EXTERNAL DEFIBRILLATOR ARE MAINTAINED AS REQUIRED BY
6 THE EMS BOARD; AND

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

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

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

15 (H) A FACILITY THAT DESIRES TO ESTABLISH OR RENEW A CERTIFICATE
16 SHALL:

17 (1) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD
18 REQUIRES;

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

21 (3) MEET THE REQUIREMENTS UNDER THIS SECTION.

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

24 (2) EACH CERTIFICATE SHALL INCLUDE:

25 (I) THE TYPE OF CERTIFICATE;

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

27 (III) A UNIQUE IDENTIFICATION NUMBER; AND

28 (IV) THE DATES OF ISSUANCE AND EXPIRATION OF THE
29 CERTIFICATE.

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

31 (K) AN INDIVIDUAL WHO IS AUTHORIZED TO OPERATE AN AUTOMATED
32 EXTERNAL DEFIBRILLATOR AT AN AUTHORIZED FACILITY MAY ADMINISTER
33 AUTOMATED EXTERNAL DEFIBRILLATION TO AN INDIVIDUAL WHO IS REASONABLY
34 BELIEVED TO BE A VICTIM OF SUDDEN CARDIAC ARREST IF PHYSICIAN SERVICES OR
35 EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.

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

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

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

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

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

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

16 (II) POSSESSES A VALID CERTIFICATE AT THE TIME OF THE ACT OR
17 OMISSION.

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

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

25 (I) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE RENDERING
26 AUTOMATED EXTERNAL DEFIBRILLATION TO A PERSON WHO IS A VICTIM OR
27 REASONABLY BELIEVED BY THE INDIVIDUAL TO BE A VICTIM OF A SUDDEN CARDIAC
28 ARREST;

29 (II) THE AUTOMATED EXTERNAL DEFIBRILLATION IS PROVIDED
30 WITHOUT FEE OR OTHER COMPENSATION; AND

31 (III) 1. THE ACT OR OMISSION OCCURS WHILE THE INDIVIDUAL
32 IS PROVIDING AUTOMATED EXTERNAL DEFIBRILLATION IN ACCORDANCE WITH THE
33 REQUIREMENTS OF THIS SECTION AT AN AUTHORIZED FACILITY;

34 2. THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED AN
35 AED TRAINING COURSE AND IS AUTHORIZED TO PROVIDE AUTOMATED EXTERNAL
36 DEFIBRILLATION;

1 3. THE INDIVIDUAL IS USING AN AUTOMATED EXTERNAL
2 DEFIBRILLATOR OBTAINED BY A PRESCRIPTION ISSUED BY A PHYSICIAN; OR

3 4. THE INDIVIDUAL IS A MEMBER OR EMPLOYEE OF ANY
4 GOVERNMENTAL OR VOLUNTEER FIRE OR RESCUE COMPANY OR A COMMERCIAL
5 AMBULANCE SERVICE.

6 (4) THE IMMUNITIES IN THIS SUBSECTION ARE NOT AVAILABLE IF THE
7 CONDUCT OF THE AUTHORIZED FACILITY OR THE INDIVIDUAL AMOUNTS TO GROSS
8 NEGLIGENCE, WILLFUL OR WANTON MISCONDUCT, OR INTENTIONALLY TORTUOUS
9 CONDUCT.

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

14 (O) (1) AN AUTHORIZED FACILITY AGGRIEVED BY A DECISION OF THE
15 INSTITUTE ACTING UNDER THE DELEGATED AUTHORITY OF THE EMS BOARD UNDER
16 THIS SECTION SHALL BE AFFORDED AN OPPORTUNITY FOR A HEARING BEFORE THE
17 EMS BOARD.

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That the EMS Board shall
23 adopt regulations to implement the provisions of this Act on or before December 31,
24 1999.

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