
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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 16, 1999

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

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

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

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

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

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

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

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

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

