
By: **Chairman, Health and Government Operations Committee (By Request
- Departmental - Maryland Institute for Emergency Medical Services
Systems)**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Automated External Defibrillator Program**

3 FOR the purpose of altering the requirements for medical direction at certain
4 authorized facilities that provide automated external defibrillation; repealing
5 certain age restrictions on individuals who operate automated external
6 defibrillators (AEDs) at authorized facilities; repealing certain limitations on
7 individual use of automated external defibrillators; establishing an AED
8 Program Fund as a continuing, nonlapsing fund; providing for the purpose of the
9 Fund; altering the distribution of certain fees; defining certain terms; and
10 generally relating to the Automated External Defibrillator Program.

11 BY repealing and reenacting, with amendments,
12 Article - Education
13 Section 13-517
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2004 Supplement)

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

18 **Article - Education**

19 13-517.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "Authorized facility" means an organization, business, association, or
22 agency that meets the requirements of the EMS Board for providing automated
23 external defibrillation.

24 (3) "Automated external defibrillator (AED)" means a medical heart
25 monitor and defibrillator device that:

- 1 (i) Is cleared for market by the federal Food and Drug
2 Administration;
- 3 (ii) Recognizes the presence or absence of ventricular fibrillation or
4 rapid ventricular tachycardia;
- 5 (iii) Determines, without intervention by an operator, whether
6 defibrillation should be performed;
- 7 (iv) On determining that defibrillation should be performed,
8 automatically charges; and
- 9 (v) 1. Requires operator intervention to deliver the electrical
10 impulse; or
- 11 2. Automatically continues with delivery of electrical
12 impulse.
- 13 (4) "Certificate" means a certificate issued by the EMS Board to an
14 authorized facility.
- 15 (5) "Facility" means an agency, association, corporation, firm,
16 partnership, or other entity.
- 17 (6) "Jurisdictional emergency medical services operational program"
18 means the institution, agency, corporation, or other entity that has been approved by
19 the EMS Board to provide oversight of emergency medical services for each of the
20 local government and State and federal emergency medical services programs.
- 21 (7) "REGIONAL ADMINISTRATOR" MEANS THE INDIVIDUAL EMPLOYED
22 BY THE INSTITUTE AS REGIONAL ADMINISTRATOR IN EACH EMS REGION.
- 23 (8) "REGIONAL COUNCIL" MEANS AN EMS ADVISORY BODY AS CREATED
24 BY THE CODE OF MARYLAND REGULATIONS 30.05.
- 25 (9) "REGIONAL COUNCIL AED COMMITTEE" MEANS A COMMITTEE
26 APPOINTED BY THE REGIONAL COUNCIL CONSISTING OF:
- 27 (I) THE REGIONAL MEDICAL DIRECTOR;
- 28 (II) THE REGIONAL ADMINISTRATOR; AND
- 29 (III) THREE OR MORE INDIVIDUALS WITH KNOWLEDGE OF AND
30 EXPERTISE IN AEDS.
- 31 [(7)] (10) "Sponsoring physician" means a physician who:
- 32 (i) Is licensed to practice medicine under Title 14 of the Health
33 Occupations Article;
- 34 (ii) Provides medical oversight to an authorized facility; and

- 1 (iii) Meets qualifications established by the EMS Board.
- 2 (b) (1) There is an Automated External Defibrillator Program.
- 3 (2) The purpose of the Program is to provide a means of authorizing a
4 facility to make automated external defibrillation available to an individual who is a
5 victim of sudden cardiac arrest if physician services or emergency medical services
6 are not immediately available.
- 7 (3) The Program shall be administered by the EMS Board.
- 8 (c) The EMS Board may:
- 9 (1) Adopt regulations for the administration of the Program;
- 10 (2) Set reasonable fees for the issuance and renewal of certificates and
11 other services it provides under the Program provided that the fees set produce funds
12 to approximate the cost of maintaining the certification program and the other
13 services provided under the Program;
- 14 (3) Issue and renew certificates to facilities that meet the requirements
15 of this section;
- 16 (4) Deny, suspend, revoke, or refuse to renew the certificate of an
17 authorized facility for failure to meet the requirements of this section;
- 18 (5) Approve educational and training programs required under this
19 section that:
- 20 (i) Are conducted by any private or public entity;
- 21 (ii) Include training in cardiopulmonary resuscitation; and
- 22 (iii) May include courses from nationally recognized entities such as
23 the American Heart Association, the American Red Cross, and the National Safety
24 Council;
- 25 (6) Approve protocols for the use of an automated external defibrillator;
- 26 (7) Require each authorized facility on reasonable notice to produce for
27 inspection:
- 28 (i) Maintenance records;
- 29 (ii) Training records; and
- 30 (iii) Equipment; and
- 31 (8) Delegate to the Institute any portion of its authority under this
32 section.

1 (d) (1) THERE IS AN AED PROGRAM FUND.

2 [(1)] (2) The EMS Board shall pay all fees collected under the provisions
3 of this section to the Comptroller of the Treasury.

4 [(2)] (3) The Comptroller of the Treasury shall distribute the fees to the
5 [Maryland Emergency Medical System Operations Fund established under § 13-955
6 of the Transportation Article] AED PROGRAM FUND.

7 (4) THE AED PROGRAM FUND SHALL BE USED EXCLUSIVELY TO FUND
8 THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE
9 STATUTORY AND REGULATORY DUTIES OF THE EMS BOARD AS PROVIDED IN THIS
10 SECTION.

11 (5) (I) THE AED PROGRAM FUND IS A CONTINUING, NONLAPSING
12 FUND AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT
13 ARTICLE.

14 (II) ANY UNSPENT PORTION OF THE AED PROGRAM FUND MAY NOT
15 BE TRANSFERRED TO THE GENERAL FUND OF THE STATE BUT SHALL REMAIN IN THE
16 AED PROGRAM FUND TO BE USED FOR THE PURPOSES OF THIS SECTION.

17 (e) (1) Each facility that desires to make automated external defibrillation
18 available shall possess a valid certificate from the EMS Board.

19 (2) This subsection does not apply to:

20 (i) A jurisdictional emergency medical services operational
21 program;

22 (ii) A licensed commercial ambulance service; or

23 (iii) A health care facility as defined in § 19-114 of the Health -
24 General Article.

25 [(f) (1) Except as provided in paragraph (2) of this subsection, an individual
26 may not operate automated external defibrillation equipment unless it is operated:

27 (i) Through an authorized facility; and

28 (ii) In compliance with the requirements of this section.

29 (2) This subsection does not apply to an individual who:

30 (i) Satisfies the requirements of § 5-603(c) of the Courts Article; or

31 (ii) Has successfully completed an AED training course and is
32 currently authorized to provide automated external defibrillation in the state where
33 the individual resides or works.

34 (3) This subsection does not limit the right of an individual to:

- 1 (i) Practice a health occupation that the individual is licensed,
2 certified, or otherwise authorized to practice under the Health Occupations Article;
- 3 (ii) Provide emergency medical services under § 13-516 of this
4 subtitle; or
- 5 (iii) Operate an automated external defibrillator that is obtained by
6 a prescription to a known patient issued by a physician licensed to practice medicine
7 under Title 14 of the Health Occupations Article if the individual has successfully
8 completed an educational course and refresher training as required by the EMS
9 Board or the prescribing physician.]
- 10 [(g)] (F) To qualify for a certificate a facility shall:
- 11 (1) Have [a sponsoring physician] MEDICAL DIRECTION THROUGH:
- 12 (I) A SPONSORING PHYSICIAN; OR
- 13 (II) THE REGIONAL COUNCIL AED COMMITTEE;
- 14 (2) Be registered with the closest jurisdictional emergency medical
15 services operational program;
- 16 (3) Comply with written protocols approved by the EMS Board for the
17 use of an automated external defibrillator which include:
- 18 (i) Notification of the emergency medical services system through
19 the use of the 911 universal emergency access number as soon as possible on the use
20 of an automated external defibrillator; and
- 21 (ii) Subsequent reporting of the use of an automated external
22 defibrillator to the closest jurisdictional emergency medical services operational
23 program;
- 24 (4) Have established automated external defibrillator maintenance,
25 placement, operation, reporting, and quality improvement procedures as required by
26 the EMS Board;
- 27 (5) Ensure that:
- 28 (i) Each automated external defibrillator is maintained, operated,
29 and tested according to manufacturers' guidelines; and
- 30 (ii) Written records of the maintenance and testing of each
31 automated external defibrillator are maintained as required by the EMS Board; and
- 32 (6) Ensure that each individual who operates an automated external
33 defibrillator for the authorized facility[:
- 34 (i) Has] HAS successfully completed an educational training
35 course and refresher training as required by the EMS Board]; and

1 (ii) Is at least 18 years of age, except that an individual who is
2 between the ages of 16 and 18 may be authorized to operate an automated external
3 defibrillator with written permission from a parent or legal guardian].

4 [(h)] (G) A facility that desires to establish or renew a certificate shall:

5 (1) Submit an application on the form that the EMS Board requires;

6 (2) Pay to the EMS Board the application or renewal fee set by the EMS
7 Board; and

8 (3) Meet the requirements under this section.

9 [(i)] (H) (1) The EMS Board shall issue a new or a renewed certificate to a
10 facility that meets the requirements of this section.

11 (2) Each certificate shall include:

12 (i) The type of certificate;

13 (ii) The full name and address of the facility;

14 (iii) A unique identification number; and

15 (iv) The dates of issuance and expiration of the certificate.

16 [(j)] (I) A certificate is valid for 3 years.

17 [(k)] (J) An individual who is authorized to operate an automated external
18 defibrillator at an authorized facility may administer automated external
19 defibrillation to an individual who is reasonably believed to be a victim of sudden
20 cardiac arrest if physician services or emergency medical services are not
21 immediately available.

22 [(l)] (K) An individual who is authorized to operate an automated external
23 defibrillator at an authorized facility shall follow the protocols established by the
24 EMS Board.

25 [(m)] (L) The EMS Board may issue a cease and desist order or obtain
26 injunctive relief:

27 (1) If a facility makes automated external defibrillation available in
28 violation of this section; or

29 (2) If an individual provides automated external defibrillation in
30 violation of this section.

31 [(n)] (M) (1) In addition to any other immunities available under statutory
32 or common law, an authorized facility is not civilly liable for any act or omission in the
33 provision of automated external defibrillation if the authorized facility:

1 (i) Has satisfied the requirements for making automated external
2 defibrillation available under this section; and

3 (ii) Possesses a valid certificate at the time of the act or omission.

4 (2) In addition to any other immunities available under statutory or
5 common law, the sponsoring physician of an authorized facility is not civilly liable for
6 any act or omission in the provision of automated external defibrillation.

7 (3) In addition to any other immunities available under statutory or
8 common law, an individual is not civilly liable for any act or omission if:

9 (i) The individual is acting in good faith while rendering
10 automated external defibrillation to a person who is a victim or reasonably believed
11 by the individual to be a victim of a sudden cardiac arrest;

12 (ii) The assistance or aid is provided in a reasonably prudent
13 manner;

14 (iii) The automated external defibrillation is provided without fee or
15 other compensation; and

16 (iv) 1. The act or omission occurs while the individual is
17 providing automated external defibrillation in accordance with the requirements of
18 this section at an authorized facility;

19 2. The individual has successfully completed an AED
20 training course and is authorized to provide automated external defibrillation; or

21 3. The individual is using an automated external
22 defibrillator obtained by a prescription issued by a physician.

23 (4) The immunities in this subsection are not available if the conduct of
24 the authorized facility amounts to gross negligence, willful or wanton misconduct, or
25 intentionally tortious conduct.

26 (5) This subsection does not affect, and may not be construed as
27 affecting, any immunities from civil or criminal liability or defenses established by
28 any other provision of the Code or by common law to which an authorized facility or
29 an individual may be entitled.

30 [(o)] (N) (1) An authorized facility aggrieved by a decision of the Institute
31 acting under the delegated authority of the EMS Board under this section shall be
32 afforded an opportunity for a hearing before the EMS Board.

33 (2) An authorized facility aggrieved by a decision of the EMS Board
34 under this section shall be afforded an opportunity for a hearing in accordance with
35 Title 10, Subtitle 2 of the State Government Article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2005.