
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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

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.

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

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

6 (i) Is cleared for market by the federal Food and Drug
7 Administration;

8 (ii) Recognizes the presence or absence of ventricular fibrillation or
9 rapid ventricular tachycardia;

10 (iii) Determines, without intervention by an operator, whether
11 defibrillation should be performed;

12 (iv) On determining that defibrillation should be performed,
13 automatically charges; and

14 (v) 1. Requires operator intervention to deliver the electrical
15 impulse; or

16 2. Automatically continues with delivery of electrical
17 impulse.

18 (4) "Certificate" means a certificate issued by the EMS Board to an
19 authorized facility.

20 (5) "Facility" means an agency, association, corporation, firm,
21 partnership, or other entity.

22 (6) "Jurisdictional emergency medical services operational program"
23 means the institution, agency, corporation, or other entity that has been approved by
24 the EMS Board to provide oversight of emergency medical services for each of the
25 local government and State and federal emergency medical services programs.

26 (7) "REGIONAL ADMINISTRATOR" MEANS THE INDIVIDUAL EMPLOYED
27 BY THE INSTITUTE AS REGIONAL ADMINISTRATOR IN EACH EMS REGION.

28 (8) "REGIONAL COUNCIL" MEANS AN EMS ADVISORY BODY AS CREATED
29 BY THE CODE OF MARYLAND REGULATIONS 30.05.

30 (9) "REGIONAL COUNCIL AED COMMITTEE" MEANS A COMMITTEE
31 APPOINTED BY THE REGIONAL COUNCIL CONSISTING OF:

32 (I) THE REGIONAL MEDICAL DIRECTOR;

33 (II) THE REGIONAL ADMINISTRATOR; AND

34 (III) THREE OR MORE INDIVIDUALS WITH KNOWLEDGE OF AND
35 EXPERTISE IN AEDS.

1 (ii) Training records; and

2 (iii) Equipment; and

3 (8) Delegate to the Institute any portion of its authority under this
4 section.

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

6 ~~{(1)}~~ ~~(2)~~ The EMS Board shall pay all fees collected under the provisions
7 of this section to the Comptroller of the Treasury.

8 ~~{(2)}~~ ~~(3)~~ The Comptroller of the Treasury shall distribute the fees to the
9 ~~{Maryland Emergency Medical System Operations Fund established under § 13-955~~
10 ~~of the Transportation Article}~~ ~~AED PROGRAM FUND.~~

11 ~~(4) THE AED PROGRAM FUND SHALL BE USED EXCLUSIVELY TO FUND~~
12 ~~THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE~~
13 ~~STATUTORY AND REGULATORY DUTIES OF THE EMS BOARD AS PROVIDED IN THIS~~
14 ~~SECTION.~~

15 ~~(5) (1) THE AED PROGRAM FUND IS A CONTINUING, NONLAPSING~~
16 ~~FUND AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT~~
17 ~~ARTICLE.~~

18 ~~(H) ANY UNSPENT PORTION OF THE AED PROGRAM FUND MAY NOT~~
19 ~~BE TRANSFERRED TO THE GENERAL FUND OF THE STATE BUT SHALL REMAIN IN THE~~
20 ~~AED PROGRAM FUND TO BE USED FOR THE PURPOSES OF THIS SECTION.~~

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

23 (2) This subsection does not apply to:

24 (i) A jurisdictional emergency medical services operational
25 program;

26 (ii) A licensed commercial ambulance service; or

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

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

31 (i) Through an authorized facility; and

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

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

- 1 (i) Satisfies the requirements of § 5-603(c) of the Courts Article; or
- 2 (ii) Has successfully completed an AED training course and is
3 currently authorized to provide automated external defibrillation in the state where
4 the individual resides or works.
- 5 (3) This subsection does not limit the right of an individual to:
- 6 (i) Practice a health occupation that the individual is licensed,
7 certified, or otherwise authorized to practice under the Health Occupations Article;
- 8 (ii) Provide emergency medical services under § 13-516 of this
9 subtitle; or
- 10 (iii) Operate an automated external defibrillator that is obtained by
11 a prescription to a known patient issued by a physician licensed to practice medicine
12 under Title 14 of the Health Occupations Article if the individual has successfully
13 completed an educational course and refresher training as required by the EMS
14 Board or the prescribing physician.]
- 15 [(g)] (F) To qualify for a certificate a facility shall:
- 16 (1) Have [a sponsoring physician] MEDICAL DIRECTION THROUGH:
- 17 (I) A SPONSORING PHYSICIAN; OR
- 18 (II) THE REGIONAL COUNCIL AED COMMITTEE;
- 19 (2) Be registered with the closest jurisdictional emergency medical
20 services operational program;
- 21 (3) Comply with written protocols approved by the EMS Board for the
22 use of an automated external defibrillator which include:
- 23 (i) Notification of the emergency medical services system through
24 the use of the 911 universal emergency access number as soon as possible on the use
25 of an automated external defibrillator; and
- 26 (ii) Subsequent reporting of the use of an automated external
27 defibrillator to the closest jurisdictional emergency medical services operational
28 program;
- 29 (4) Have established automated external defibrillator maintenance,
30 placement, operation, reporting, and quality improvement procedures as required by
31 the EMS Board;
- 32 (5) Ensure that:
- 33 (i) Each automated external defibrillator is maintained, operated,
34 and tested according to manufacturers' guidelines; and

1 (ii) Written records of the maintenance and testing of each
2 automated external defibrillator are maintained as required by the EMS Board; and

3 (6) Ensure that each individual who operates an automated external
4 defibrillator for the authorized facility[:

5 (i) Has] HAS successfully completed an educational training
6 course and refresher training as required by the EMS Board[; and

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

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

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

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

14 (3) Meet the requirements under this section.

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

17 (2) Each certificate shall include:

18 (i) The type of certificate;

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

20 (iii) A unique identification number; and

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (ii) The assistance or aid is provided in a reasonably prudent
20 manner;

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

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

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

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

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

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

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

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

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