

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 16-319)

Overview and Legal and Fiscal Impact

The regulations implement Chapter 616 of 2014 by requiring that middle schools participate in the Automated External Defibrillator (AED) Program. The regulations also alter the method for submitting a report when an AED is used, and make changes to definitions for the chapter.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Special Instructional Programs:

Automated External Defibrillator Program in High Schools:

COMAR 13A.05.10.01 - .03

Legal Analysis

Background

Chapter 616 of 2014 requires that each county school board develop and implement AED programs for each middle school in the county. Prior to this change in law, county boards had to develop and implement programs only for high schools.

Summary of Regulations

The regulations include middle schools among those schools for which county boards must implement AED programs, and make conforming changes. The definition for “automated external defibrillator” is amended to conform to the language in § 13-513 of the Health – General Article. Additionally, the definitions for “public safety answering point (PSAP)” and “sponsoring physician” are removed. The regulations also alter the method for submitting a report when an AED is used, requiring that the report be made to the Maryland Institute for Emergency Medical Services Systems rather than to the State EMS Medical Director and the local jurisdictional EMS operational program. If the AED fails when operated, the report must also be submitted to the

Maryland Institute for Emergency Medical Services Systems rather than the State EMS Medical Director. Lastly, the regulations also correct an erroneous cross reference in COMAR 13A.05.10.03(B)(7).

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State Board of Education cites §§7-425 and 13-517 of the Education Article as statutory authority for the regulations. Section 7-425(a), as amended by Chapter 616 of 2014, requires county boards to develop and implement AED Programs for each middle school in the county and §7-425(b) specifically authorizes the Department of Education to adopt regulations that assist the county boards in carrying out the section. Section 13-517 provides the parameters by which an AED program should be structured.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, staff for the State board agrees to make the following changes to the regulations:

- remove the citation to the corresponding federal standard, because the standard discussed, while involving the placement of AEDs, has to do with procedures for federal buildings and not schools;
- amend the statement of purpose to reflect the fact that “public safety answering point (PSAP)” and “sponsoring physician” were removed from the list of terms defined in COMAR 13A.05.10.02; and
- amend the statement of purpose to reflect changes in COMAR 13A.05.10.03 for the reporting procedure after AEDs are used.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State government and a small fiscal impact on local school systems. The Department of Legislative Services disagrees and advises that the regulations implement Chapter 616 of 2014 (House Bill 812). Accordingly, the fiscal impact on local school systems is not due to these regulations but is instead due to Chapter 616, which requires each middle school to have an automated external defibrillator (AED) on-site and an individual trained in the operation and use of an AED present at all middle school-sponsored athletic events. The fiscal and policy note for House Bill 812 noted that local school systems without AEDs in each middle school would need to purchase one at a cost of \$1,500 to \$3,000 per AED and noted that training would need to be provided. There is no additional impact beyond that already accounted for in the fiscal and policy note.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have a meaningful economic impact on small businesses that sell AED equipment. The Department of Legislative Services disagrees and advises that any fiscal impact is due to Chapter 616. Further, any fiscal impact on small businesses due to local school systems without AEDs purchasing them would likely be minimal as, at most, 128 AEDs would have to be purchased.

Contact Information

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