

Maine AED Legislation

Sec. 1. 22 MRSA c. 421

AUTOMATED EXTERNAL DEFIBRILLATORS

§2150-C. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

Automated external defibrillator. "Automated external defibrillator" means a medical device heart monitor and defibrillator that:

A. Has received approval of its premarket notification, filed pursuant to 21 United States Code, Section 360(k), from the United States Food and Drug Administration;

B. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

C. Either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and

D. In the case of a defibrillator that may be operated in either an automatic or a manual mode, is set to operate in the automatic mode.

2. Automated external defibrillation. "Automatic external defibrillation" means the process of applying an automated external defibrillator to a person in cardiac arrest, allowing the defibrillator to interpret the cardiac rhythm, and, if appropriate, delivering an electrical shock to the heart to allow it to resume effective electrical activity.

3. Emergency medical services provider. "Emergency medical services provider" means an advanced emergency medical technician, an ambulance attendant, a basic emergency medical services' person or a basic emergency medical technician, as defined in Title 32, section 83, subsections 1, 3-A, 6 and 7, respectively.

4. Emergency medical services system. "Emergency medical services system" means the comprehensive and coordinated statewide emergency medical services system, including the trauma care system, that is created in Title 32, chapter 2-B.

§2150-D. Training, maintenance, testing, use and reporting requirements

1. Training and maintenance. A person who possesses an automated external defibrillator must:
 - A. Require expected users to complete successfully a course in automated external defibrillation and cardiopulmonary resuscitation that is offered or approved by the American Heart Association or another nationally recognized organization;
 - B. Maintain and test the defibrillator according to the manufacturer's guidelines; and
 - C. Consult with a physician regarding compliance with the requirements of paragraphs A and B.
2. Notification of location of defibrillator. A person in possession of an automated external defibrillator shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location and type of the automated external defibrillator.
3. Authorized users. A person who has obtained appropriate training on how to perform automated external defibrillation and has successfully completed a course in cardiopulmonary resuscitation may perform automated external defibrillation, regardless of whether the person is a physician, registered nurse, licensed practical nurse or emergency medical services provider.
4. Activation of emergency medical services system. A person who renders out-of-hospital emergency care or treatment to a person in cardiac arrest by using an automated external defibrillator must activate the emergency medical services system as soon as possible and report any clinical use of the automated external defibrillator.

§2150-E. Immunity

1. Immunity for provider prescription. Except in the case of intentional misconduct, a physician is not liable for damages for injury, death or loss to person or property for providing a prescription for an automated external defibrillator approved for use as a medical device by the United States Food and Drug Administration.
2. Immunity for providing training. Except in the case of intentional misconduct, a person is not liable for civil damages for injury, death or loss to person or property for providing training in automated external defibrillation.
3. Immunity for providing defibrillation. Except in the case of intentional misconduct or when there is no good faith attempt to notify an emergency medical services system organization in accordance with section 2150-D, subsection 3, a person is not criminally responsible nor liable for civil damages for injury, death or loss to person or property for performing automated external defibrillation in good faith, regardless

of whether the person has obtained appropriate training on how to perform automated external defibrillation.

SUMMARY

This bill requires certain training for designated uses of a defibrillator; requires notification of a defibrillator with the emergency medical services system; requires activation of the emergency medical services system in an emergency situation where a defibrillator is used; and provides immunity from liability for persons who use such a defibrillator.