

Maryland AED Law

S.B. 294 - Effective October 1, 1999

AN ACT concerning

Emergency Medical Services - Automated External Defibrillator Program

FOR the purpose of establishing an Automated External Defibrillator Program to authorize certain facilities to make automated external defibrillation (AED) available; requiring certain facilities to have a certain certificate before they may make automated external defibrillation available; creating certain exceptions; defining certain terms; requiring an individual to have certain training and authorization before the individual may provide automated external defibrillation; creating certain exceptions; authorizing the Emergency Medical Services (EMS) Board to adopt certain rules and regulations; authorizing the EMS Board to set certain fees; authorizing the EMS Board to issue certificates to facilities meeting certain requirements to make automated external defibrillation available; authorizing the EMS Board to charge certain application and renewal fees; authorizing the EMS Board to suspend, revoke, or refuse to renew the certificates of certain facilities under certain circumstances; requiring facilities to meet certain requirements; requiring the EMS Board to issue a certificate to a facility that meets certain requirements; requiring certain information to be included on a certificate; providing immunity to certain persons under certain circumstances; authorizing the EMS Board to delegate certain of its functions under this Act to the Maryland Institute for Emergency Medical Services Systems; requiring the EMS Board to adopt certain regulations by a certain date; and generally relating to a program for facilities to provide automated external defibrillation under certain circumstances.

BY repealing and reenacting, without amendments, Article - Education Section 13-501(a), (e), and (g)

Annotated Code of Maryland (1997 Replacement Volume and 1998 Supplement)

BY adding to Article - Education Section 13-517

Annotated Code of Maryland (1997 Replacement Volume and 1998 Supplement)

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

Article – Education

13-501.

(a) In this subtitle the following words have the meanings indicated.

(e) "Center" means the R Adams Cowley Shock Trauma Center.

(g) "Institute" means the Maryland Institute for Emergency Medical Services Systems.

13-517.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "AUTHORIZED FACILITY" MEANS AN ORGANIZATION, BUSINESS, ASSOCIATION, OR AGENCY THAT MEETS THE REQUIREMENTS OF THE EMS BOARD FOR PROVIDING AUTOMATED EXTERNAL DEFIBRILLATION.

(3) "AUTOMATED EXTERNAL DEFIBRILLATOR (AED)" MEANS A MEDICAL HEART MONITOR AND DEFIBRILLATOR DEVICE THAT:

(I) IS CLEARED FOR MARKET BY THE FEDERAL FOOD AND DRUG ADMINISTRATION;

(II) RECOGNIZES THE PRESENCE OR ABSENCE OF VENTRICULAR FIBRILLATION OR RAPID VENTRICULAR TACHYCARDIA;

(III) DETERMINES, WITHOUT INTERVENTION BY AN OPERATOR, WHETHER DEFIBRILLATION SHOULD BE PERFORMED;

(IV) ON DETERMINING THAT DEFIBRILLATION SHOULD BE PERFORMED, AUTOMATICALLY CHARGES; AND

(V) 1. REQUIRES OPERATOR INTERVENTION TO DELIVER THE ELECTRICAL IMPULSE; OR

2. AUTOMATICALLY CONTINUES WITH DELIVERY OF ELECTRICAL IMPULSE.

(4) "CERTIFICATE" MEANS A CERTIFICATE ISSUED BY THE EMS BOARD TO AN AUTHORIZED FACILITY.

(5) "FACILITY" MEANS AN AGENCY, ASSOCIATION, CORPORATION, FIRM, PARTNERSHIP, OR OTHER ENTITY.

(6) "JURISDICTIONAL EMERGENCY MEDICAL SERVICES OPERATIONAL PROGRAM" MEANS THE INSTITUTION, AGENCY, CORPORATION, OR OTHER ENTITY THAT HAS BEEN APPROVED BY THE EMS BOARD TO PROVIDE OVERSIGHT OF EMERGENCY MEDICAL SERVICES FOR EACH OF THE LOCAL GOVERNMENT AND STATE AND FEDERAL EMERGENCY MEDICAL SERVICES PROGRAMS.

(7) "SPONSORING PHYSICIAN" MEANS A PHYSICIAN WHO:

(I) IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;

(II) PROVIDES MEDICAL OVERSIGHT TO AN AUTHORIZED FACILITY; AND

(III) MEETS QUALIFICATIONS ESTABLISHED BY THE EMS BOARD.

(B) (1) THERE IS AN AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A MEANS OF AUTHORIZING A FACILITY TO MAKE AUTOMATED EXTERNAL DEFIBRILLATION AVAILABLE TO AN INDIVIDUAL WHO IS A VICTIM OF SUDDEN CARDIAC ARREST IF PHYSICIAN SERVICES OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.

(3) THE PROGRAM SHALL BE ADMINISTERED BY THE EMS BOARD.

(C) THE EMS BOARD MAY:

(1) ADOPT REGULATIONS FOR THE ADMINISTRATION OF THE PROGRAM;

(2) COLLECT FEES NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM; SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF CERTIFICATES AND OTHER SERVICES IT PROVIDES UNDER THE PROGRAM PROVIDED THAT THE FEES SET PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE CERTIFICATION PROGRAM AND THE OTHER SERVICES PROVIDED UNDER THE PROGRAM;

(3) ISSUE AND RENEW CERTIFICATES TO FACILITIES THAT MEET THE REQUIREMENTS OF THIS SECTION;

(4) DENY, SUSPEND, REVOKE, OR REFUSE TO RENEW THE CERTIFICATE OF AN AUTHORIZED FACILITY FOR FAILURE TO MEET THE REQUIREMENTS OF THIS SECTION;

(5) APPROVE EDUCATIONAL AND TRAINING PROGRAMS REQUIRED UNDER THIS SECTION THAT:

(I) ARE CONDUCTED BY ANY PRIVATE OR PUBLIC ENTITY;

(II) INCLUDE TRAINING IN CARDIOPULMONARY RESUSCITATION; AND

(III) MAY INCLUDE COURSES FROM NATIONALLY RECOGNIZED ENTITIES SUCH AS THE AMERICAN HEART ASSOCIATION, THE AMERICAN RED CROSS, AND THE NATIONAL SAFETY COUNCIL;

(6) APPROVE PROTOCOLS FOR THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR;

(7) REQUIRE EACH AUTHORIZED FACILITY ON REASONABLE NOTICE TO PRODUCE FOR INSPECTION:

(I) MAINTENANCE RECORDS;

(II) TRAINING RECORDS; AND

(III) EQUIPMENT; AND

(8) DELEGATE TO THE INSTITUTE ANY PORTION OF ITS AUTHORITY UNDER THIS SECTION.

(D) (1) THE EMS BOARD SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SECTION TO THE COMPTROLLER OF THE TREASURY.

(2) THE COMPTROLLER OF THE TREASURY SHALL DISTRIBUTE THE FEES TO THE MARYLAND EMERGENCY MEDICAL SYSTEM OPERATIONS FUND ESTABLISHED UNDER § 13-955 OF THE TRANSPORTATION ARTICLE.

(E) (1) EACH FACILITY THAT DESIRES TO MAKE AUTOMATED EXTERNAL DEFIBRILLATION AVAILABLE SHALL POSSESS A VALID CERTIFICATE FROM THE EMS BOARD.

(2) THIS SUBSECTION DOES NOT APPLY TO:

(I) A JURISDICTIONAL EMERGENCY MEDICAL SERVICES OPERATIONAL PROGRAM;

(II) A LICENSED COMMERCIAL AMBULANCE SERVICE; OR

(III) A HEALTH CARE FACILITY AS DEFINED IN § 19-101 OF THE HEALTH - GENERAL ARTICLE.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT OPERATE AUTOMATED EXTERNAL DEFIBRILLATION EQUIPMENT UNLESS IT IS OPERATED:

(I) THROUGH AN AUTHORIZED FACILITY; AND

(II) IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO:

(I) SATISFIES THE REQUIREMENTS OF § 5-603(C) OF THE COURTS ARTICLE; OR

(II) HAS SUCCESSFULLY COMPLETED AN AED TRAINING COURSE AND IS CURRENTLY AUTHORIZED TO PROVIDE AUTOMATED EXTERNAL DEFIBRILLATION IN THE STATE WHERE THE INDIVIDUAL RESIDES OR WORKS.

(3) THIS SUBSECTION DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO:

(I) PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THE HEALTH OCCUPATIONS ARTICLE;

(II) PROVIDE EMERGENCY MEDICAL SERVICES UNDER § 13-516 OF THE EDUCATION ARTICLE; OR

(III) OPERATE AN AUTOMATED EXTERNAL DEFIBRILLATOR THAT IS OBTAINED BY A PRESCRIPTION TO A KNOWN PATIENT ISSUED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONSARTICLE IF THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED AN EDUCATIONAL COURSE AND REFRESHER TRAINING AS REQUIRED BY THE EMS BOARD OR THE PRESCRIBING PHYSICIAN.

(G) TO QUALIFY FOR A CERTIFICATE A FACILITY SHALL:

- (1) HAVE A SPONSORING PHYSICIAN;
- (2) BE REGISTERED WITH THE CLOSEST JURISDICTIONAL EMERGENCY MEDICAL SERVICES OPERATIONAL PROGRAM;
- (3) COMPLY WITH WRITTEN PROTOCOLS APPROVED BY THE EMS BOARD FOR THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR WHICH INCLUDE:
 - (I) NOTIFICATION OF THE EMERGENCY MEDICAL SERVICES SYSTEM THROUGH THE USE OF THE 911 UNIVERSAL EMERGENCY ACCESS NUMBER AS SOON AS POSSIBLE ON THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR; AND
 - (II) SUBSEQUENT REPORTING OF THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR TO THE CLOSEST JURISDICTIONAL EMERGENCY MEDICAL SERVICES OPERATIONAL PROGRAM;
- (4) HAVE ESTABLISHED AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE, PLACEMENT, OPERATION, REPORTING, AND QUALITY IMPROVEMENT PROCEDURES AS REQUIRED BY THE EMS BOARD;
- (5) ENSURE THAT:
 - (I) EACH AUTOMATED EXTERNAL DEFIBRILLATOR IS MAINTAINED, OPERATED, AND TESTED ACCORDING TO MANUFACTURERS' GUIDELINES; AND
 - (II) WRITTEN RECORDS OF THE MAINTENANCE AND TESTING OF EACH AUTOMATED EXTERNAL DEFIBRILLATOR ARE MAINTAINED AS REQUIRED BY THE EMS BOARD; AND
- (6) ENSURE THAT EACH INDIVIDUAL WHO OPERATES AN AUTOMATED EXTERNAL DEFIBRILLATOR FOR THE AUTHORIZED FACILITY:
 - (I) HAS SUCCESSFULLY COMPLETED AN EDUCATIONAL TRAINING COURSE AND REFRESHER TRAINING AS REQUIRED BY THE EMS BOARD; AND
 - (II) IS AT LEAST 18 YEARS OF AGE, EXCEPT THAT AN INDIVIDUAL WHO IS BETWEEN THE AGES OF 16 AND 18 MAY BE AUTHORIZED TO OPERATE AN AUTOMATED EXTERNAL DEFIBRILLATOR WITH WRITTEN PERMISSION FROM A PARENT OR LEGAL GUARDIAN.

(H) A FACILITY THAT DESIRES TO ESTABLISH OR RENEW A CERTIFICATE SHALL:

(1) SUBMIT AN APPLICATION ON THE FORM THAT THE EMS BOARD REQUIRES;

(2) PAY TO THE EMS BOARD THE APPLICATION OR RENEWAL FEE SET BY THE EMS BOARD; AND

(3) MEET THE REQUIREMENTS UNDER THIS SECTION.

(I) (1) THE EMS BOARD SHALL ISSUE A NEW OR A RENEWED CERTIFICATE TO A FACILITY THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(2) EACH CERTIFICATE SHALL INCLUDE:

(I) THE TYPE OF CERTIFICATE;

(II) THE FULL NAME AND ADDRESS OF THE FACILITY;

(III) A UNIQUE IDENTIFICATION NUMBER; AND

(IV) THE DATES OF ISSUANCE AND EXPIRATION OF THE CERTIFICATE.

(J) A CERTIFICATE IS VALID FOR 3 YEARS.

(K) AN INDIVIDUAL WHO IS AUTHORIZED TO OPERATE AN AUTOMATED EXTERNAL DEFIBRILLATOR AT AN AUTHORIZED FACILITY MAY ADMINISTER AUTOMATED EXTERNAL DEFIBRILLATION TO AN INDIVIDUAL WHO IS REASONABLY BELIEVED TO BE A VICTIM OF SUDDEN CARDIAC ARREST IF PHYSICIAN SERVICES OR EMERGENCY MEDICAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.

(L) AN INDIVIDUAL WHO IS AUTHORIZED TO OPERATE AN AUTOMATED EXTERNAL DEFIBRILLATOR AT AN AUTHORIZED FACILITY SHALL FOLLOW THE PROTOCOLS ESTABLISHED BY THE EMS BOARD.

(M) THE EMS BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF:

(1) IF A FACILITY MAKES AUTOMATED EXTERNAL DEFIBRILLATION AVAILABLE IN VIOLATION OF THIS SECTION; OR

(2) IF AN INDIVIDUAL PROVIDES AUTOMATED EXTERNAL DEFIBRILLATION IN VIOLATION OF THIS SECTION.

(N) (1) IN ADDITION TO ANY OTHER IMMUNITIES AVAILABLE UNDER STATUTORY OR COMMON LAW, AN AUTHORIZED FACILITY IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN THE PROVISION OF AUTOMATED EXTERNAL DEFIBRILLATION IF THE AUTHORIZED FACILITY:

(I) HAS SATISFIED THE REQUIREMENTS FOR MAKING AUTOMATED EXTERNAL DEFIBRILLATION AVAILABLE UNDER THIS SECTION; AND

(II) POSSESSES A VALID CERTIFICATE AT THE TIME OF THE ACT OR OMISSION.

(2) IN ADDITION TO ANY OTHER IMMUNITIES AVAILABLE UNDER STATUTORY OR COMMON LAW, THE SPONSORING PHYSICIAN OF AN AUTHORIZED FACILITY IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN THE PROVISION OF AUTOMATED EXTERNAL DEFIBRILLATION.

(3) IN ADDITION TO ANY OTHER IMMUNITIES AVAILABLE UNDER STATUTORY OR COMMON LAW, AN INDIVIDUAL IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IF:

(I) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE RENDERING AUTOMATED EXTERNAL DEFIBRILLATION TO A PERSON WHO IS A VICTIM OR REASONABLY BELIEVED BY THE INDIVIDUAL TO BE A VICTIM OF A SUDDEN CARDIAC ARREST;

(II) THE ASSISTANCE OR AID IS PROVIDED IN A REASONABLY PRUDENT MANNER;

(III) THE AUTOMATED EXTERNAL DEFIBRILLATION IS PROVIDED WITHOUT FEE OR OTHER COMPENSATION; AND

(IV) 1. THE ACT OR OMISSION OCCURS WHILE THE INDIVIDUAL IS PROVIDING AUTOMATED EXTERNAL DEFIBRILLATION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AT AN AUTHORIZED FACILITY;

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

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

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

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

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

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

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

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

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