

OHIO AED Law

H.B. 717 5 - Passed 1998

To enact sections 2305.235 and 3701.85 of the Revised Code to authorize performance of automated external defibrillation and provide civil and criminal immunity and to declare an emergency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2305.235 and 3701.85 of the Revised Code be enacted to read as follows:

Sec. 2305.235. (A) AS USED IN THIS SECTION:

(1) "AUTOMATED EXTERNAL DEFIBRILLATION" MEANS THE PROCESS OF APPLYING A SPECIALIZED 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.

2) "PHYSICIAN" HAS THE SAME MEANING AS IN SECTION 4765.01 OF THE REVISED CODE.

(B) EXCEPT IN THE CASE OF WILLFUL OR WANTON MISCONDUCT, NO PHYSICIAN SHALL BE HELD LIABLE IN CIVIL 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 OR CONSULTING WITH A PERSON REGARDING THE USE AND MAINTENANCE OF A DEFIBRILLATOR.

(C) EXCEPT IN THE CASE OF WILLFUL OR WANTON MISCONDUCT, NO PERSON SHALL BE HELD LIABLE IN CIVIL DAMAGES FOR INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY FOR PROVIDING TRAINING IN AUTOMATED EXTERNAL DEFIBRILLATION AND CARDIOPULMONARY RESUSCITATION.

(D) EXCEPT IN THE CASE OF WILLFUL OR WANTON MISCONDUCT OR WHEN THERE IS NO GOOD FAITH ATTEMPT TO ACTIVATE AN EMERGENCY MEDICAL SERVICES SYSTEM IN ACCORDANCE WITH SECTION 3701.85 OF THE REVISED CODE, NO PERSON SHALL BE HELD LIABLE IN CIVIL DAMAGES FOR INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY, OR HELD CRIMINALLY LIABLE, FOR PERFORMING AUTOMATED EXTERNAL DEFIBRILLATION IN GOOD FAITH, REGARDLESS OF WHETHER THE PERSON HAS OBTAINED APPROPRIATE TRAINING ON HOW TO PERFORM AUTOMATED EXTERNAL DEFIBRILLATION OR SUCCESSFULLY COMPLETED A COURSE IN CARDIOPULMONARY RESUSCITATION.

Sec. 3701.85. (A) AS USED IN THIS SECTION

(1) "AUTOMATED EXTERNAL DEFIBRILLATION" HAS THE SAME MEANING AS IN SECTION 2305.235 OF THE REVISED CODE.

(2) "EMERGENCY MEDICAL SERVICES ORGANIZATION" HAS THE SAME MEANING AS IN SECTION 4765.01 OF THE REVISED CODE

(3) "EMERGENCY MEDICAL SERVICE PROVIDER" MEANS A PERSON WHO IS AN "EMERGENCY MEDICAL TECHNICIAN-BASIC," "EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE," "EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC," OR "FIRST RESPONDER" AS DEFINED IN SECTION 4765.01 OF THE REVISED CODE "PHYSICIAN" HAS THE SAME MEANING AS IN SECTION 4765.01 89 OF THE REVISED CODE

(5) "REGISTERED NURSE" AND "LICENSED PRACTICAL NURSE" HAVE THE SAME MEANINGS AS IN SECTION 4723.02 OF THE REVISED CODE.

(B) A PERSON WHO POSSESSES AN AUTOMATED EXTERNAL DEFIBRILLATOR SHALL DO ALL OF THE FOLLOWING

(1) REQUIRE EXPECTED USERS TO COMPLETE SUCCESSFULLY A COURSE IN AUTOMATED EXTERNAL DEFIBRILLATION AND CPR THAT IS OFFERED OR APPROVED BY THE AMERICAN HEART ASSOCIATION OR ANOTHER NATIONALLY RECOGNIZED ORGANIZATION;

(2) MAINTAIN AND TEST THE DEFIBRILLATOR ACCORDING TO MANUFACTURER'S GUIDELINES; CONSULT WITH A PHYSICIAN REGARDING COMPLIANCE WITH THE REQUIREMENTS OF DIVISIONS (B)(1) AND (2) OF THIS SECTION.

(C) A PERSON WHO POSSESSES AN AUTOMATED EXTERNAL DEFIBRILLATOR MAY NOTIFY AN EMERGENCY MEDICAL SERVICES ORGANIZATION OF THE LOCATION OF THE DEFIBRILLATOR.

(D) 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 PRACTICALNURSE, OR EMERGENCY MEDICAL SERVICE PROVIDER. WHEN AUTOMATED EXTERNAL DEFIBRILLATION IS NOT PERFORMED AS PART OF AN EMERGENCY MEDICAL SERVICES SYSTEM OR AT A HOSPITAL AS DEFINED IN SECTION 3727.01 OF THE REVISED CODE, AN EMERGENCY MEDICAL SERVICES SYSTEM SHALL BE ACTIVATED AS SOON AS POSSIBLE.

Section 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that more widespread use of automated external defibrillators will increase the chances of surviving sudden cardiac arrest.

Therefore, this act shall go into immediate effect. 132