

CHAPTER NO. 488

HOUSE BILL NO. 1218

By Representatives Harwell, Caldwell, Bittle, Walley, Maddox, Fitzhugh, White, Hargrove, Brenda Turner, Mumpower

Substituted for: Senate Bill No. 1158

By Senator Henry

AN ACT to amend Tennessee Code Annotated, Section 63-6-218, relative to automatic external defibrillators.

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

SECTION 1. Tennessee Code Annotated, Section 63-6-218(b)(1), is amended by deleting the word "automatic" and by substituting instead the word "automated".

SECTION 2. Tennessee Code Annotated, Section 63-6-218(b)(2), is amended by inserting the language ",including use of an automated external defibrillator," between the language "emergency care" and the language "to persons attending".

SECTION 3. In order for entity to use or allow the use of an automated external defibrillator, the entity shall:

(1) establish a program for the use of an AED that includes a written plan that complies with subsections 2 through 6 and rules adopted by the Department of Health. The plan must specify:

- (a) where the AED will be placed
- (b) the individuals who are authorized to operate the AED
- (c) how the AED will be coordinated with an emergency medical service providing services in the area where the AED is located;
- (d) the maintenance and testing that will be performed on the AED;
- (e) records that will be kept by the program
- (f) reports that will be made of AED use;
- (g) other matters as specified by the department
- (h) a plan of action for proper usage of the AED

(2) adhere to the written plan required by subsection (1);

(3) ensure that before using the AED, expected users receive appropriate training approved by the department in cardiopulmonary resuscitation and the proper use of an AED;

(4) maintain, test, and operate the AED according to the manufacturer's guidelines and maintain written records of all maintenance and testing performed on the AED;

(5) each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the department as required by the written plan;

(6) before allowed any use of an AED, provide to the emergency communications district or the primary provider of emergency medical services where the defibrillator is located:

(a) a copy of the plan prepared pursuant to this section; and

(b) written notice, in a format prescribed by department rules, stating:

(i) that an AED program is established by the entity

(ii) where the AED is located; and

(iii) how the use of the AED is to be coordinated with the local emergency medical service system.

SECTION 4. (1) The Department of Health shall adopt rules specifying the following:

(a) the contents of the written notice required by Section 3

(b) reporting requirements for each use of an AED;

(c) the contents of a plan prepared in accordance with Section 3 and requirements applicable to the subject matter of the plan;

(d) training requirements in cardiopulmonary resuscitation and AED use that are consistent with the scientific guidelines of the American Heart Association for any individual authorized by an AED program plan to use an AED;

(e) requirements for medical supervision of an AED program;

(f) performance requirements for an AED in order for the AED to be used in an AED program; and

(g) a list of the AED training programs approved by the department.

SECTION 5. The entity responsible for the AED program shall not be liable for any civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence if the applicable provisions and program established under Section 3 and the rules adopted by the department pursuant to Section 4 have been met by the entity and have been followed by the individuals using the AED.

SECTION 6. An individual providing training to others in an approved program on the use of an AED shall be held harmless by the employer of the trainer for damages caused by training that was negligent.

SECTION 7. For purposes of this act expected AED users shall complete training and demonstrate competence in CPR and the use of an AED through a course of instruction approved by the Tennessee Emergency Medical Services Board.

SECTION 8. For purposes of this act "automated external defibrillator" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket notification, filed pursuant to United States Code title 21, section 360(k), from the United States Food and Drug Administration;

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

(3) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

SECTION 9. The provisions of this act shall only apply to situations involving emergency use of an AED and in no case shall it apply where there is a duty to provide care. Nor shall it apply where a doctor has prescribed use of an AED for a patient's use in the patient's private home.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 28, 1999


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999


DON SUNDQUIST, GOVERNOR