

Section 3000-B

Article 30 of the New York State Public Health Law

Section 1. The public health law is amended by adding new section 3000-b to read as follows:

S 3000-B.AUTOMATED EXTERNAL DEFIBRILLATORS: PUBLIC ACCESS PROVIDERS.

1. DEFINITIONS. As used in this section, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(A) "Automated External Defibrillator" means a medical device. Approved by the United States Food and Drug Administration, that: (I) is capable of recognizing the presence or absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia; (II) is capable of determining, without intervention by an operator, whether defibrillation should be performed on the patient; (III) upon determining that defibrillation should be performed, automatically charges and requests delivery of electrical impulse to the patient's heart appropriate electrical impulse to the patient's heart to perform defibrillation.

(B) "Emergency Health Care Provider" means (I) a physician with knowledge and experience in the delivery of emergency cardiac care; or (II) a hospital licensed under article twenty-eight of this chapter provides emergency cardiac care.

(C) "Public Access Defibrillation Provider" means person, firm, organization or other entity possessing or operating an automated external defibrillator pursuant to a collaborative agreement under this section.

(D) "Nationally Recognized Organization" means a national organization approved by the department for the purpose of training people in the use of an automated external defibrillator.

2. COLLABORATIVE AGREEMENT. A person, firm, organization or other entity may purchase, acquire, possess and operate an automated external defibrillator pursuant to a collaborative agreement with an emergency health care provider. The collaborative agreement shall include a written agreement that incorporates written practice protocols and policies and procedures that shall assure compliance with this section. The public access defibrillation provider shall file a copy of that collaborative agreement with the department and with the appropriate regional council prior to operating the automated external defibrillator.

3. POSSESSION AND OPERATION OF AUTOMATED EXTERNAL DEFIBRILLATOR. Possession and operation of an automated external defibrillator by a public access defibrillation provider shall comply with the following:

A. No person may operate an automated external defibrillator unless the person has successfully completed a training course in the operation of an automated external defibrillator approved by a nationally recognized organization or the state emergency medical services council, and the completion of the course was recent enough to still be effective under the standards of the approving organization. However, this section shall not prohibit operation of an automated external defibrillator, (I) by a health care practitioner licensed or certified under Title VIII of the education law or a person certified under this article acting within his or her lawful scope of practice or (II) by a person acting pursuant to a lawful prescription.

B. The Public access provider shall cause the automated external defibrillator to be maintained and tested according to applicable standards of the manufacturer and any appropriate government agency.

C. The Public access provider shall notify the regional council of the existence, location and type of any automated external defibrillator it possesses.

D. Every use of an automatic external defibrillator on a patient shall be immediately reported to the appropriate local emergency medical services system, emergency communications center or emergency vehicle dispatch center as appropriate and promptly reported to the emergency health care provider.

E. The emergency health care provider shall participate in the regional quality improvement program pursuant to the subdivision one of section three thousand four-A of this article.

4. APPLICATION OF OTHER LAWS. (A) Operation of an automated external defibrillator pursuant to this section shall be considered first aid or emergency treatment for the purpose of any statute relating to liability.

A. Operation of an automated external defibrillator pursuant to this section shall not constitute the unlawful practice of a profession under Title VIII of the education law.

S2. Subdivision 2 of section 3000-a of the public health law, as added by Chapter 69 of the laws of 1994, is amended to read as follows:

2. (I) A person who, or entity, partnership, corporation, firm or society that, purchases or makes available resuscitation equipment that facilitates first aid, as required by or pursuant to law or local law, or (II) the emergency health care provider with a collaborative agreement under section three thousand-B of this article with respect to an automated external defibrillator, shall not be liable for damages arising either from the use of that equipment by a person who voluntarily and without expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or medical emergency, or from the use of defectively manufactured equipment; provided that this subdivision shall not limit the person's or entity's, partnership's, corporation's, negligence, gross negligence or intentional misconduct.

S3. This act shall take effect immediately.

Signed by Governor Pataki, August 1998

Emergency Skills, Inc. 350 Seventh Avenue, Suite 505, New York, NY 10001
212-564-6833 • 212-564-6793