



MEMBER ALERT

AUTOMATED EXTERNAL DEFIBRILLATORS (AED) IN SCHOOLS

JANUARY 2016

Recent legislation, SB 658 (September 2015) and SB 287 (October 2015), has modified the responsibilities of K-12 public schools with regards to implementation of AEDs.

Current law: SB 658 provides immunity to civil liability for the following:

- a. Any person who, in good faith and not for compensation, renders emergency care or treatment by the use of an AED at the scene of an emergency (we'll call this person a "described user").
- b. A person or entity who provides CPR and AED training to a described user.
- c. a person or entity that acquires an AED for such emergency use by a described user, if the acquirer has complied with subdivision (b) of Section 1797.196 of the Health and Safety Code.
- d. any physician and surgeon or other health care professional that is involved in the selection, placement, or installation of an AED later used by a described user.

According to section 1797.196, immunity for the acquiring person or entity requires:

- a. Compliance with all regulations governing the placement of an AED.
- b. Notifying an agent of the local EMS agency of the existence, location, and type of AED acquired.
- c. Maintaining and testing the AED according to the manufacturer's operation and maintenance guidelines.
- d. Testing the AED at least biannually and after each use.
- e. Inspecting all AEDs on the premises at least every 90 days for potential issues related to operability of the device.
- f. Keeping records of the maintenance and testing required by the statute to demonstrate compliance.

When an AED is placed in a K-12 school, section 1797.196 imposes the following requirements:

The principal shall ensure that the school administrators and staff annually receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. The principal shall also ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED. The principal shall, at least annually, notify school employees as to the location of all AED units on the campus.

According to section 1797.196, immunity for an owner of any other building where an AED is installed (presumably including COE and school district buildings other than K-12 schools) requires the building owner do all of the following:

- a. At least once a year, notify workers or other users of the building as to the location of the AED units and provide information about who such persons can contact if they want to voluntarily take AED or CPR training.
- b. At least once a year, offer a demonstration to at least one person associated with the building so that the person can be walked through how to use an AED properly in an emergency. The building owner may arrange for the demonstration or partner with a nonprofit organization to do so.
- c. Next to the AED, post instructions, in no less than 14-point type, on how to use the AED.

How this changes former law: The former requirement that school administrators provide a brochure describing proper use of an AED has been replaced with a requirement that administrators and staff annually receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. The new law repeals the prior requirement that emergency response plans require immediate notice to 911 and trained office personnel at the initiation of AED procedures. Employee AED and CPR training requirements have been eliminated, as have any requirements that trained employees be on site during regular operating hours. The former requirement that a doctor or medical director be involved in AED placement has been eliminated. The prior 30-day inspection cycle has been reduced to quarterly inspections.

New law: SB 287 requires certain occupied structures constructed on or after January 1, 2017, to have an AED on the premises. This includes educational buildings with an occupancy of 200 or more, but the requirement does not apply to any such structure owned or operated by "any local government entity." Thus, the new law would appear to require AEDs only in private K-12 schools. Of course, even if not required, installation of AEDs in public school buildings may be a good idea.