Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 143
"Automated External Defibrillator Maintenance"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 613.17
State or federal law(s) implemented by the rulemaking: Iowa Code section 613.17

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 6, 2024 10 a.m.	Microsoft Teams Meeting ID: 268 876 122 100 Passcode: QXqezE

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

The proposed rules set the standards under which a person or entity that owns, manages, or is otherwise responsible for the premises on which an automated external defibrillator is located, who in good faith renders emergency care or assistance without compensation, shall not be liable for any civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness or willful and wanton misconduct if the person or entity maintains the automated external defibrillator in a condition for immediate and effective use at all times.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

There are no anticipated costs associated with the rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

Iowans who may require an automated external defibrillator to be used on them will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Unknown.

- Qualitative description of impact:

Provides an incentive for persons or entities that own, manage, or are otherwise responsible for the premises on which an automated external defibrillator is located to maintain the automated external defibrillator in a condition for immediate and effective use at all times.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

None.

- Anticipated effect on state revenues:

None.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Without the rulemaking, the Department would not be following the law.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No other methods were considered because the Department was directed to establish rules.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

No other methods were considered since the Department was directed to establish rules.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 641—Chapter 143 and adopt the following **new** chapter in lieu thereof:

CHAPTER 143
AUTOMATED EXTERNAL DEFIBRILLATOR MAINTENANCE

641—143.1(613) Definition. For the purposes of these rules, the following definition applies:

"Automated external defibrillator" or *"AED"* means an external semiautomatic device that determines whether defibrillation is required.

641—143.2(613) AED maintenance. The person or entity maintaining the AED shall:

143.2(1) Ensure that the AED is maintained and inspected in accordance with the manufacturer's guidelines.

143.2(2) Ensure that the AED is programmed to conform to nationally accepted guidelines for treatment of cardiac arrest patients.

These rules are intended to implement Iowa Code section 613.17.