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SENATE FILE  
BY TINSMAN

2209

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the use of automated external defibrillators  
2 in connection with the provision of emergency medical care.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2209  
HUMAN RESOURCES

1 Section 1. Section 147A.1, Code Supplement 1999, is  
2 amended by adding the following new subsection before  
3 subsection 1:

4 NEW SUBSECTION. 0. "Automated external defibrillator"  
5 means a medical device heart monitor and defibrillator which:  
6 a. Has received approval of its premarket notification by  
7 the United States food and drug administration filed pursuant  
8 to Title 21, section 360, paragraph "k", of the United States  
9 Code.

10 b. Is capable of recognizing the presence or absence of  
11 ventricular fibrillation or rapid ventricular tachycardia, and  
12 is capable of determining, without intervention by an  
13 operator, whether defibrillation should be performed.

14 c. Automatically charges and requests delivery of an  
15 electrical impulse to an individual's heart, upon determining  
16 that defibrillation should be performed.

17 Sec. 2. NEW SECTION. 147A.15 AUTOMATED EXTERNAL  
18 DEFIBRILLATORS -- TRAINING -- NOTIFICATION -- EXEMPTION FROM  
19 LIABILITY.

20 1. An ambulance, rescue, or first response service in this  
21 state authorized pursuant to section 147A.5, or any other  
22 person or entity acquiring an automated external  
23 defibrillator, shall, in order to ensure public health and  
24 safety:

25 a. Require and facilitate appropriate training in  
26 cardiopulmonary resuscitation and in the use of an automated  
27 external defibrillator by the American heart association or by  
28 another nationally recognized course in cardiopulmonary  
29 resuscitation and automated external defibrillation use.

30 b. Ensure that automatic external defibrillators are  
31 maintained and tested according to the manufacturer's  
32 guidelines.

33 c. Provide for the supervision of emergency medical care  
34 providers anticipated to utilize an automated external  
35 defibrillator by a physician, physician's assistant, or

1 registered nurse knowledgeable in automatic external  
2 defibrillation.

3 d. Collect and maintain outcomes data regarding the  
4 utilization of automatic external defibrillators for emergency  
5 medical care or treatment of a person in cardiac arrest, and  
6 require that emergency medical care providers or other persons  
7 rendering such care document the utilization as soon as  
8 possible after emergency medical care was provided.

9 e. Notify local emergency response agencies including, but  
10 not limited to, law enforcement, fire, rescue, and other  
11 emergency medical services agencies, and any agency providing  
12 telecommunicator services as defined pursuant to section  
13 80B.11C, of the acquisition and location of an automatic  
14 external defibrillator.

15 2. Notwithstanding section 147A.10, the following shall  
16 apply regarding exemptions from liability relating to the  
17 utilization of an automatic external defibrillator:

18 a. Any person or entity, who in good faith and without  
19 compensation, renders emergency care or treatment by the use  
20 of an automatic external defibrillator shall be immune from  
21 civil liability for any personal injury as a result of such  
22 care or treatment, or as a result of any act or failure to act  
23 in providing or arranging further medical treatment, where the  
24 person acts as an ordinary, reasonably prudent person would  
25 have acted under the same or similar circumstances and acts in  
26 a manner which does not amount to willful or wanton misconduct  
27 or gross negligence.

28 b. A prescribing physician who authorizes the purchase of  
29 the automatic external defibrillator, a person or entity who  
30 provides training in cardiopulmonary resuscitation and the use  
31 of an automatic external defibrillator, and a person or entity  
32 responsible for the site where the automatic external  
33 defibrillator is located shall be immune from civil liability  
34 for any personal injury that results from any act or omission  
35 that does not amount to willful or wanton misconduct or gross

1 negligence.

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EXPLANATION

3 This bill establishes training, notification, and exemption  
4 from liability requirements relating to the use of automated  
5 external defibrillators in connection with the provision of  
6 emergency medical care.

7 The bill defines an automated external defibrillator as a  
8 medical device heart monitor and defibrillator which has  
9 received approval of its premarket notification from the  
10 United States food and drug administration, which can  
11 recognize the presence or absence of ventricular fibrillation  
12 or rapid ventricular tachycardia and can determine without  
13 intervention by an operator whether defibrillation should be  
14 performed, and which automatically charges and requests  
15 delivery of an electrical impulse to an individual's heart  
16 upon determining that defibrillation should be performed.

17 The bill provides that an ambulance, rescue, or first  
18 response service authorized pursuant to Code section 147A.5,  
19 or any other person or entity acquiring an automated external  
20 defibrillator, must meet several requirements to promote  
21 public health and safety. The bill provides that appropriate  
22 training will be required for ambulance, rescue, or first  
23 response services in cardiopulmonary resuscitation and in the  
24 use of an automated external defibrillator by the American  
25 heart association or by another nationally recognized course  
26 in cardiopulmonary resuscitation and automated external  
27 defibrillation use. The bill also provides that automatic  
28 external defibrillators must be maintained and tested  
29 according to the manufacturer's guidelines, and that  
30 supervision of emergency medical care providers anticipated to  
31 utilize an automated external defibrillator must take place by  
32 a physician, physician's assistant, or registered nurse  
33 knowledgeable in automatic external defibrillation. The bill  
34 additionally provides that outcomes data shall be collected  
35 and maintained regarding the utilization of automatic external

1 defibrillators for emergency medical care or treatment on a  
2 person in cardiac arrest, and provides that emergency medical  
3 care providers or other persons rendering such care must  
4 document such utilization as soon as possible after emergency  
5 medical care was provided. The bill further provides that  
6 local emergency response agencies shall be notified, including  
7 but not limited to law enforcement, fire, rescue, and other  
8 emergency medical services agencies, and any agency providing  
9 telecommunicator services as defined pursuant to Code section  
10 80B.11C, regarding the acquisition and location of an  
11 automatic external defibrillator.

12 The bill provides that, notwithstanding Code section  
13 147A.10 which applies a standard of recklessness to acts or  
14 omissions which are otherwise exempt from liability, any  
15 person or entity who in good faith and without compensation  
16 renders emergency care or treatment by the use of an automatic  
17 external defibrillator shall be immune from civil liability  
18 for any personal injury as a result of such care or treatment,  
19 or as a result of any act or failure to act in providing or  
20 arranging further medical treatment. The bill provides that  
21 this exemption shall apply where the person acts as an  
22 ordinary, reasonably prudent person would have acted under the  
23 same or similar circumstances and acts in a manner which does  
24 not amount to willful or wanton misconduct or gross  
25 negligence. The bill also provides that a prescribing  
26 physician who authorizes the purchase of an automatic external  
27 defibrillator, a person or entity who provides training in  
28 cardiopulmonary resuscitation and the use of an automatic  
29 external defibrillator, or a person or entity responsible for  
30 the site where the automatic external defibrillator is located  
31 shall be immune from civil liability for any personal injury  
32 that results from any act or omission that does not amount to  
33 willful or wanton misconduct or gross negligence.

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