2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB306)

Received: **04/10/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**

By/Representing: **Joe Hoey (aide)**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters: **rryan**

Subject: **Health - emergency med services**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wasserman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Automated external difibrillators; immunities

Instructions:

Combine s0674/1 and a2900/1

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
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FE Sent For:

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/?	dkennedy	/1 4/11 jld		4/11 6 PG			

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<END>

By Thursday 4/13

2005 – 2006 LEGISLATURE

LRBs~~0674/1~~ S0687/1
DAK:~~jld:jf~~ KEEP

& RLR

ASSEMBLY SUBSTITUTE AMENDMENT ~~1~~,

TO 2005 ASSEMBLY BILL 306

~~April 3, 2006 – Offered by Representative WASSERMAN.~~

Regen

1 AN ACT ***to repeal*** 146.50 (1) (cm), 146.50 (1) (o), 146.50 (6g) (b) 1., 146.50 (6g) (b)
2 2., 146.50 (8g) and 895.48 (4) (a) 4.; ***to renumber and amend*** 895.48 (4) (a);
3 ***to amend*** 146.50 (1) (im) 3., 146.50 (8) (e), 895.48 (4) (b) (intro.) and 895.48 (4)
4 (b) 1.; and ***to create*** 146.50 (1) (cr), 146.50 (6g) (b) 2m. and 895.48 (4) (ag) of the
5 statutes; **relating to:** substituting the term automated external defibrillator
6 for the terms automatic defibrillator and semiautomatic defibrillator; and
7 providing immunity from civil liability for users, owners, and providers of
8 automated external defibrillators for acts or omissions in rendering emergency
9 care in good faith.

Analysis by the Legislative Reference Bureau

Under current law, certain persons who are not emergency medical technicians or first responders–defibrillation, but who have received training in a course that is approved by the Department of Health and Family Services (DHFS), may use semiautomatic defibrillators in rendering emergency care or treatment to others who appear to be in cardiac arrest. A semiautomatic defibrillator is a heart monitor

and defibrillator that is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, determining whether defibrillation should be performed, charging, and, upon the operator's command, delivering an electrical impulse to an individual's heart. A person who provides a semiautomatic defibrillator for this use must provide written notice and certain information to the nearest emergency services program and must ensure that the semiautomatic defibrillator is maintained and tested in accordance with the manufacturer's guidelines. If these requirements are complied with, the users, owners, and providers of semiautomatic defibrillators are immune from civil liability for acts or omissions in rendering emergency care in good faith and without gross negligence. In addition, DHFS certifies qualified applicants for the performance of defibrillation by use of an automatic defibrillator (a heart monitor and defibrillator that, after determining that defibrillation should be performed and charging, automatically delivers an electrical impulse to an individual's heart), a semiautomatic defibrillator, or a manual defibrillator.

This substitute amendment substitutes the term "automated external defibrillator" for the terms "automatic defibrillator" and "semiautomatic defibrillator" in the provisions relating to the performance of defibrillation. An automated external defibrillator has the capacity for use either as a semiautomatic defibrillator or as an automatic defibrillator. The substitute amendment eliminates requirements of training in a DHFS–approved course for persons who are not emergency medical technicians or first responders — defibrillation and who use automated external defibrillators in rendering emergency care or treatment to others who appear to be in cardiac arrest. The substitute amendment also eliminates the requirement that the person who provides the defibrillator for use provide written notification to the nearest emergency medical services program. The substitute amendment continues to provide immunity from civil liability, without the requirement, for acts or omissions of the person in rendering, in good faith and without gross negligence, emergency care by use of an automated external defibrillator and to the owner and provider of the defibrillator, except that this immunity for the provider applies only if the provider ensures that the automated external defibrillator is maintained and tested in accordance with any operational guidelines of the manufacturer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 146.50 (1) (cm) of the statutes is repealed.

2 **SECTION 2.** 146.50 (1) (cr) of the statutes is created to read:

3 146.50 **(1)** (cr) "Automated external defibrillator" means a defibrillator device

4 to which all of the following apply:

no #
The substitute amendment also provides immunity from civil liability for any person who provides training in the use of an automated external defibrillator to the person who renders care.

1. It is approved for commercial distribution by the federal food and drug administration.

2. It is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and of determining without intervention by the user of the device whether defibrillation should be performed.

3. After having determined that defibrillation should be performed, it is capable, either at the command of an operator or without intervention by an operator, of delivering an electrical shock to an individual.

SECTION 3. 146.50 (1) (im) 3. of the statutes is amended to read:

146.50 **(1)** (im) 3. In the case of a defibrillator that may be operated ~~in either an automatic or a manual mode~~ as a manual defibrillator or as an automated external defibrillator, is set to operate ~~in the manual mode~~ as a manual defibrillator.

SECTION 4. 146.50 (1) (o) of the statutes is repealed.

SECTION 5. 146.50 (6g) (b) 1. of the statutes is repealed.

SECTION 6. 146.50 (6g) (b) 2. of the statutes is repealed.

SECTION 7. 146.50 (6g) (b) 2m. of the statutes is created to read:

146.50 **(6g)** (b) 2m. An automated external defibrillator.

SECTION 8. 146.50 (8) (e) of the statutes is amended to read:

146.50 **(8)** (e) A certified first responder is authorized to use an ~~automatic or semiautomatic~~ automated external defibrillator, as prescribed for first responders in rules promulgated by the department. The rules shall set forth authorization for the use of an ~~automatic defibrillator, a semiautomatic~~ automated external defibrillator or, for a defibrillator that may be operated in more than one mode, use ~~in the automatic or semiautomatic mode~~ as an automated external defibrillator only. A certified first responder is also authorized to employ other techniques, including the

administration of nonvisualized advanced airways, and the administration of medications that are specified by the department by rule. In promulgating the rules under this paragraph, the department shall consult with the state medical director for emergency medical services and the emergency medical services board. The rule shall include those techniques that are specified in the most current guidelines issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3 (a) (5).

SECTION 9. 146.50 (8g) of the statutes is repealed.

SECTION 10. 895.48 (4) (a) of the statutes is renumbered 895.48 (4) (am), and 895.48 (4) (am) (intro.), 2. ~~and~~ 3., as renumbered, are amended to read:

895.48 **(4)** (am) (intro.) Any of the following ~~who meets the applicable requirements of s. 146.50 (8g) and who acts within the applicable limitations of s. 146.50 (8g)~~, other than an emergency medical technician or a first responder — defibrillation, is immune from civil liability for the acts or omissions of a person in rendering in good faith emergency care by use of ~~a semiautomatic~~ an automated external defibrillator ~~under s. 146.50 (8g)~~ to an individual who appears to be in cardiac arrest:

2. The owner of the ~~semiautomatic~~ automated external defibrillator~~, as specified in s. 146.50 (8g) (c)~~.

3. The person who provides the ~~semiautomatic~~ automated external defibrillator for use, ~~as specified in s. 146.50 (8g) (c)~~ if the person ensures that the automated external defibrillator is maintained and tested in accordance with any operational guidelines of the manufacturer.

INSERT 4-23

~~**SECTION 11.** 895.48 (4) (a) 4. of the statutes is repealed.~~

SECTION 12. 895.48 (4) (ag) of the statutes is created to read:

895.48 **(4)** (ag) In this subsection:

1. "Cardiac arrest" means the sudden cessation of cardiac function and the disappearance of arterial blood pressure that connote ventricular fibrillation or pulseless ventricular tachycardia.

2. "Pulseless ventricular tachycardia" means a disturbance in the normal rhythm of the heart that is characterized by rapid electrical activity of the heart with no cardiac output.

SECTION 13. 895.48 (4) (b) (intro.) of the statutes is amended to read:

895.48 **(4)** (b) (intro.) The immunity specified in par. ~~(a)~~ (am) does not extend to any of the following:

SECTION 14. 895.48 (4) (b) 1. of the statutes is amended to read:

895.48 **(4)** (b) 1. A person whose act or omission resulting from the use or the provision for use of the ~~semiautomatic~~ automated external defibrillator constitutes gross negligence.

(END)

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 186

At the locations indicated, amend the substitute amendment as follows:

1. Page 4, line 10: delete "(intro.), 2. and 3." and substitute "(intro.), 2., 3. and 4.".

2. Page 4, line 23: after that line insert:

INSERT 4-23

4. ~~The provider of~~ Any person who provides training ~~required under s. 146.50 (8g) (b)~~ in the use of an automated external defibrillator to the person who renders care.

3. ~~Page 4, line 24: delete that line.~~

(END)