

1999 SENATE BILL 90

March 18, 1999 – Introduced by Senators ROBSON, DRZEWIECKI, COWLES, DARLING, FARROW, HUELSMAN, LAZICH, PLACHE, RISSER, ROESSLER, ROSENZWEIG and SCHULTZ, cosponsored by Representatives JOHNSRUD, WASSERMAN, AINSWORTH, ALBERS, BALOW, BOYLE, BRANDEMUEHL, CARPENTER, CULLEN, GOETSCH, GRONEMUS, GUNDERSON, HAHN, HASENOHRL, HOVEN, HUBER, KAUFERT, KELSO, KLUSMAN, LADWIG, LA FAVE, LASSA, J. LEHMAN, M. LEHMAN, MEYER, MILLER, MUSSER, POWERS, RYBA, SERATTI, SHERMAN, STEINBRINK, SYKORA and URBAN. Referred to Committee on Human Services and Aging.

1 **AN ACT to create** 146.50 (8g) and 895.48 (4) of the statutes; **relating to:**
2 limitations on and requirements for use of semiautomatic defibrillators by
3 individuals other than emergency medical technicians and first responders –
4 defibrillation, providing civil immunity for the use and requiring the
5 department of health and family services to review training courses for the use.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) certifies qualified applicants to perform defibrillation (administering an electrical impulse to an individual’s heart to stop a disturbance in its normal rhythm) by use of automatic, semiautomatic or manual defibrillators. Standards for the certification are prescribed by DHFS by rule. In addition, emergency medical technicians and persons who have completed requirements for certification as first responders – defibrillation by DHFS are authorized to use automatic or semiautomatic defibrillators under limitations prescribed by DHFS by rule. A county, city, town, village or hospital, or a combination of any of these, or an ambulance service provider, under a plan approved by DHFS, may conduct an emergency medical services program that uses emergency medical technicians – paramedics for the delivery of emergency medical care to sick, disabled or injured individuals at the scene of an emergency and during transport to a hospital.

Currently, under the “Good Samaritan law”, a person who in good faith renders emergency care at the scene of an emergency or accident is immune from civil

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liability for his or her acts or omissions in rendering the emergency care. This immunity does not apply to employes who are trained in health care or who are health care professionals in rendering emergency care for compensation and within the scope of their usual and customary employment or practice at or enroute to a hospital, at a physician's office or at the scene of an emergency or accident.

This bill authorizes use of a semiautomatic defibrillator in rendering emergency care or treatment to an individual who appears to be in cardiac arrest, by a person other than an ambulance service provider, emergency medical technician or a first responder – defibrillation, if the person has received training in a course for which a physician serves as medical director and that is approved by DHFS. The bill requires a person who provides a semiautomatic defibrillator for use to provide written notification to the nearest emergency medical services program as to the type of defibrillator, its location on the person's premises and its intended usage area and to ensure that the semiautomatic defibrillator is maintained and tested in accordance with any operational guidelines of the manufacturer.

The bill provides immunity from civil liability for the acts or omissions of a person, other than an ambulance service provider, emergency medical technician or first responder – defibrillation, who has received training in a course approved by DHFS, in rendering in good faith emergency care, by use of a semiautomatic defibrillator, to an individual who appears to be in cardiac arrest. The bill also provides immunity from civil liability for the physician who serves as medical director for the training course, the person who makes available the semiautomatic defibrillator for use and the provider of the required training. The immunity does not extend to a person whose act or omission in using the semiautomatic defibrillator or in making it available constitutes gross negligence. The immunity also does not extend to a health care professional (other than the medical director for the training course) who renders emergency care for compensation and within the scope of his or her usual and customary employment or practice at or enroute to a hospital, at a physician's office or at the scene of an emergency or accident.

Lastly, the bill requires DHFS to review training courses for the use of a semiautomatic defibrillator and authorizes DHFS to approve those courses that satisfy DHFS' standards for approval.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 146.50 (8g) of the statutes is created to read:
- 2 146.50 **(8g)** SPECIAL USE OF SEMIAUTOMATIC DEFIBRILLATORS. (a) In this
- 3 subsection:

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

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

7 (b) Notwithstanding subs. (6g) (b) and (8) (e), a person other than an emergency
8 medical technician or a first responder – defibrillation may use a semiautomatic
9 defibrillator in rendering emergency care or treatment to an individual who appears
10 to be in cardiac arrest if the person has received training in a course for which a
11 physician serves as medical director and that is approved by the department under
12 par. (d).

13 (c) A person who provides a semiautomatic defibrillator for use under par. (b)
14 shall do all of the following:

15 1. Provide written notification to the nearest emergency medical services
16 program under s. 146.55 (2). The notification shall include information as to the type
17 of the semiautomatic defibrillator, the location of the defibrillator on the premises of
18 the person and the intended usage area for the defibrillator.

19 2. Ensure that the semiautomatic defibrillator is maintained and tested in
20 accordance with any operational guidelines of the manufacturer.

21 (d) The department shall review training courses for the use of a semiautomatic
22 defibrillator under this subsection and may approve those training courses that
23 satisfy standards for approval that are specified by the department.

24 **SECTION 2.** 895.48 (4) of the statutes is created to read:

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1 895.48 (4) (a) Any of the following who meets the applicable requirements of
2 s. 146.50 (8g) and who acts within the applicable limitations of s. 146.50 (8g) is
3 immune from civil liability for the acts or omissions of a person in rendering in good
4 faith emergency care by use of a semiautomatic defibrillator under s. 146.50 (8g) to
5 an individual who appears to be in cardiac arrest:

6 1. The person who renders the care.

7 2. The physician specified in s. 146.50 (8g) (b).

8 3. The person who provides the semiautomatic defibrillator for use, as specified
9 in s. 146.50 (8g) (c).

10 4. The provider of training required under s. 146.50 (8g) (b).

11 (b) The immunity specified in par. (a) does not extend to any of the following:

12 1. A person whose act or omission resulting from the use or the provision for
13 use of the semiautomatic defibrillator constitutes gross negligence.

14 2. Other than a physician, as specified under par. (a) 2., a health care
15 professional who renders emergency care for compensation and within the scope of
16 his or her usual and customary employment or practice at a hospital or other
17 institution equipped with hospital facilities, at the scene of an emergency or accident,
18 enroute to a hospital or other institution equipped with hospital facilities or at a
19 physician's office.

20 (END)