



November 1, 2016

TO: District Superintendents
Chief Business Officials
SISC II Member Districts

FROM: Robert J. Kretzmer
Director, Property & Liability

SUBJECT: AEDs

The increasing interest in the placement of Automatic External Defibrillators (AEDs) on school sites in the State of California and elsewhere gives rise to the issue of possible liability exposure related to their use. This memo is intended to provide your district with food for thought before taking on the implementation of an AED program.

SISC II neither discourages nor promotes the use of AEDs at our member districts' campus locations. In addition, SISC II does not exclude AED use in the Liability Memorandum of Coverage (MOC.) In the event a Claim for Damages or Complaint is filed against one of our member districts alleging the district failed to properly maintain or use an AED which resulted in some harm to a student or other individual, SISC II will afford a defense and indemnification to the member district subject to the terms and conditions of the MOC.

Member districts most commonly engage the services of a vendor in order to implement their AED program. In addition, agreements entered into with a selected vendor should include indemnification and insurance clauses protecting the interests of the district. All agreements should be reviewed by the district's administrative or general counsel before execution.

There are three relevant code sections that you should become familiar with concerning the use of AEDs at your school sites, they are:

Civil Code: Section 1714.21 of the Civil Code provides immunity to an individual who renders emergency care with the use of an AED provided they have been properly trained and follow their training. This section also provides immunity to an individual who provides training to a person who renders emergency care by the use of an AED. The section goes on to state that a person or entity will not be liable for any civil damages as long as the person or entity has complied with the requirements of subdivision (b) of Section 1797.196 of the Health & Safety Code.

Education Code: Section 49417 was added to the Education Code as a result of the passage of AB 2217 which was approved by the Governor on September 29, 2014. Under Section 49417 employees of a school district are immune from liability as provided under Section 1714.21 of the Civil Code. In addition, Section 49417 also affords immunity to a public school or school district that complies with the requirements under Section 1797.196 of the Health and Safety Code which then triggers the application of Section 1714.21 of the Civil Code thereby affording immunity to the public school or school district. Immunity under this Section does not apply, however, when a personal injury or wrongful death results from gross negligence or willful or wonton misconduct on the part of the person who uses, attempts to use, or maliciously fails to use an AED to render emergency care or treatment.

Health and Safety Code, Section 1797.196 addresses the requirement for individuals and entities, who acquire, install and use an AED on school premises. Our member school districts should review Section 1797.196 before considering the implementation of an AED program as the requirements for the operation and maintenance of these devices are somewhat stringent. A copy of this code section is posted with this Information Memo on our website; however, we note a few of the requirements below.

- Ensure that the AED is tested at least biannually and after each use.
- Ensure that an inspection is made of all AEDs on the premises at least every 90 days for potential issues related to operability of the device, including blinking light or other obvious defect that may suggest tampering or that another problem has arisen with the functionality of the AED.
- Ensure that records of the required maintenance and testing are maintained.
- School administrators and staff must receive information on **an annual basis** that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of the AED.

Your district's administrative legal counsel should be consulted to be certain your district is in compliance with all appropriate regulations as noted above. In the event your district decides on the placement of AEDs on your districts campuses, we recommend you contact your local American Red Cross, American Heart Association, fire department or hospital to seek guidance about the purchase of AEDs and/or the implementation of an AED program.

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Attachments:

- Health and Safety Code § 1797.196
- American Heart Association Handout

Health and Safety Code Section 1797.196

1797.196. (a) For purposes of this section, "AED" or "defibrillator" means an automated external defibrillator.

(b) (1) In order to ensure public safety, a person or entity that acquires an AED shall do all of the following:

(A) Comply with all regulations governing the placement of an AED.

(B) Notify an agent of the local EMS agency of the existence, location, and type of AED acquired.

(C) Ensure that the AED is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer.

(D) Ensure that the AED is tested at least biannually and after each use.

(E) Ensure that an inspection is made of all AEDs on the premises at least every 90 days for potential issues related to operability of the device, including a blinking light or other obvious defect that may suggest tampering or that another problem has arisen with the functionality of the AED.

(F) Ensure that records of the maintenance and testing required pursuant to this paragraph are maintained.

(2) When an AED is placed in a building, the building owner shall do all of the following:

(A) At least once a year, notify the tenants as to the location of the AED units and provide information to tenants about who they 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.

(3) A medical director or other physician and surgeon is not required to be involved in the acquisition or placement of an AED.

(c) (1) When an AED is placed in a public or private K-12 school, 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.

(2) This section does not prohibit a school employee or other person from rendering aid with an AED.

(d) A manufacturer or retailer supplying an AED shall provide to the acquirer of the AED all information governing the use, installation, operation, training, and maintenance of the AED.

(e) A violation of this section is not subject to penalties pursuant to Section 1798.206.

(f) Nothing in this section or Section 1714.21 of the Civil Code may be construed to require a building owner or a building manager to acquire and have installed an AED in any building.

(g) For purposes of this section, "local EMS agency" means an agency established pursuant to Section 1797.200.

(h) This section does not apply to facilities licensed pursuant to subdivision (a), (b), (c), or (f) of Section 1250.



What Is an Automated External Defibrillator?

An automated external defibrillator (AED) is a lightweight, portable device that delivers an electric shock through the chest to the heart. The shock can stop an irregular rhythm and allow a normal rhythm to resume in a heart in sudden cardiac arrest. Sudden cardiac arrest is an abrupt loss of heart function. If it's not treated within minutes, it quickly leads to death.

Most sudden cardiac arrests result from ventricular fibrillation. This is a rapid and unsynchronized heart rhythm starting in the heart's lower pumping chambers (the ventricles). The heart must be "defibrillated" quickly, because a victim's chance of surviving drops by 7 to 10 percent for every minute a normal heartbeat isn't restored.



Why are AEDs important?

AEDs make it possible for more people to respond to a medical emergency where defibrillation is required. Because AEDs are portable, they can be used by nonmedical people. They can be made part of emergency response programs that also include rapid use of 9-1-1 and prompt delivery of cardio pulmonary resuscitation (CPR). All three of these activities are vital to improving survival from cardiac arrest.

How does an AED work?

A built-in computer checks a victim's heart rhythm through adhesive electrodes. The computer calculates whether defibrillation is needed. If it is, a recorded voice tells the rescuer to press the shock button on the AED. This shock momentarily stuns the heart and stops all activity. It gives the heart the chance to resume

beating effectively. Instructions guide the user through the process. AEDs advise a shock only for ventricular fibrillation or another life-threatening condition called pulseless ventricular tachycardia.

Who can use an AED?

Non-medical personnel such as police, fire service personnel, flight attendants, security guards and other lay rescuers who have been properly trained can use AEDs.

Are AEDs safe to use?

AEDs are safe to use by anyone who's been trained to operate them. Studies have shown that 90 percent of the time AEDs are able to detect a rhythm that should be defibrillated. And 95 percent of the time they are able to recommend NOT shocking when the computer shows defibrillation is not indicated.

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Where should AEDs be placed?

All first-response vehicles, including ambulances, law-enforcement vehicles and many fire engines should have an AED. AEDs also should be placed in public areas such as sports arenas, gated communities, airports, office complexes, doctors' offices and any other public or private place where large numbers of people gather or where people at high risk for heart attacks live.

Where can I get AED training?

The American Heart Association offers CPR and AED training through training centers. To locate a training center near you, call your nearest AHA office or 1-888-CPRLINE. You may also visit heart.org/cpr. Type in your ZIP code where requested on the home page to access information on training sites near you.



AEDs are typically placed in public areas such as airports, where large numbers of people gather. Their locations should be clearly marked for quick access.

HOW CAN I LEARN MORE?

- 1 Talk to your doctor, nurse or other healthcare professionals. If you have heart disease or have had a stroke, members of your family also may be at higher risk. It's very important for them to make changes now to lower their risk.
- 2 Call 1-800-AHA-USA1 (1-800-242-8721), or visit heart.org to learn more about heart disease.
- 3 For information on stroke, call 1-888-4-STROKE (1-888-478-7653) or visit us at StrokeAssociation.org.

Do you have questions for the doctor or nurse?

Take a few minutes to write your questions for the next time you see your healthcare provider.

For example:

How long is a CPR training course?

Are there different types of CPR classes?

My Que _____ :

We have many other fact sheets to help you make healthier choices to reduce your risk, manage disease or care for a loved one. Visit heart.org/answersbyheart to learn more.

Knowledge is power, so Learn and Live!

