

From: Doug Kress <dkress@somervillema.gov>
Date: April 25, 2017 at 10:26:27 AM EDT
To: MaryJo Rossetti <aldermanrossetti@gmail.com>
Subject: RE: AEDs in Restaurants

There is no national requirement that employers provide AEDs in the workplace, I have included some information below. While state laws vary, they generally address AED availability in public buildings, conditions of use, medical oversight, training requirements and post-event reporting. That said, most AED devices now use voice commands to assist to simplify the procedure. However, device malfunctions and recalls, myriad legal requirements, and concerns of cost and potential liability have kept many places from buying in. I would argue having a device in a restaurant is a great idea and would like to think most businesses would voluntarily include them as part of their standard practice. The cost of these machines vary in price with most models between \$1,500 and \$2000 plus maintenance and training. Unfortunately, or fortunately, you don't need it until you need it.

As mentioned earlier, there are several issues to consider when requiring a private business to have a medical device on-site which include: costs, training, maintenance, access, and reporting. I would reiterate - it would be great if AEDs were available in every establishment voluntarily. This is an additional burden that many business owners may question the costs and liability (although Good Samaritan does support coverage) for a business. It is for this reason I would recommend a voluntary program with an educational campaign to local businesses be the first step. If you would like me to investigate additionally, I will contact legal to ensure we are not singling out one business in this requirement.

Please let me know if you have any questions.
Doug

Massachusetts State AED Law Summary of Requirements

Physician

Each AED provider should contract with an AED medical director, who shall be responsible for ensuring that the AED agency complies with AED maintenance, AED provider training and notice requirements.

CPR/AED Training

An AED provider is a person who has successfully complete a course in cardiopulmonary resuscitation and in the use of an AED that meets or exceeds the standards established by the American Heart Association or the American National Red Cross and whose evidence of successful course completion has not expired.

EMS Notification

Prior to implementation of its public access defibrillation program, the AED provider should notify the local police and the emergency medical services provider of the number, type and location of the AED in its possession.

Maintenance Program

The defibrillator must be maintained and tested according to the manufacturer's operational guidelines.

Notification of Use

Each AED provider, in each instance of responding to a request for emergency care or treatment, should contact the police or emergency medical services in the city or town in which they are located and provide a report to its AED medical director.

Good Samaritan Protection

- > Rescuer
- > Purchaser
- > Property Owner
- > Physician
- > Trainer

- > No Current Legislation
- > No Current Legislation
- > No Current Legislation
- > No Current Legislation

Any AED provider who in good faith renders emergency cardiopulmonary resuscitation or automatic external defibrillation, in accordance with his training through a public access defibrillation program, to any person who apparently requires cardiopulmonary resuscitation or defibrillation, shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from the rendering of emergency cardiopulmonary resuscitation or defibrillation.

Laws / Legislation

Reference

Date

Summary

SB 1918

2014

All coaches shall have a current certification in cardiopulmonary resuscitation from the American Heart Association, American Red Cross or other agency or organization approved by the department of public health. This requirement shall not apply to a coach with a physical disability. A school district that hires a coach under this section shall not be responsible for costs associated with the certification.

HB 3538

2013

An act that includes a \$250,000 appropriation in 2014 for AEDs to be used in municipalities, schools, and senior centers.

HB 2136

2009

A bill requiring that all public schools in the state have an AED on-site, and an AED trained individual available during school hours and at school-sponsored events, including those off campus.

HB 363

2009

Requires defibrillators in senior housing facilities.

HB 410

2009

Requires the instruction of CPR and the use of an AED for high school graduation.

HB 2103

2009

Requires AEDs in health and wellness facilities operated by certain charitable organizations.

HB 3828

2009

A school's emergency response plan shall include access to training in CPR and first aid for teachers, athletic trainers, and other school staff and volunteers.

SB 217

2009

A bill requiring that all coaches have current certification in CPR and AED use from the American Heart Association, the American Red Cross or other nationally recognized organization.

SB 2681

2006

Requires AEDs in health clubs

Chapter 142

1999

Expands on Good Samaritan protection.

Chapter 137

1998

Establishes immunity for CPR and use of an AED.

The information posted on our website is not intended as legal advice and may contain inaccurate or incomplete information. We encourage you to contact your state representative should you require more information.

From: Mary Jo Rossetti [mailto:aldermanrossetti@gmail.com]
Sent: Monday, April 24, 2017 4:02 PM
To: Doug Kress
Subject: Fwd: AEDs in Restaurants

Doug,
Please read message below. Your thoughts?

Mary Jo
Mary Jo Rossetti
Alderman-At-Large

Begin forwarded message:

Resent-From: <mjrossetti@somervillema.gov>
From: "Courtney O'Keefe" <Courtney@CourtneyOKeefe.Com>
Date: April 24, 2017 at 3:41:15 PM EDT
To: <boardofaldermen@somervillema.gov>
Cc: <health_webcontact@somervillema.gov>, <NAylward@somervillema.gov>
Subject: AEDs in Restaurants

Good afternoon,

I hope this email finds you doing well and enjoying Spring!

Last week, I was involved in a medical emergency at a Somerville restaurant where an AED (automated external defibrillator) was needed. Unfortunately, an AED was not available and, although the patient survived, it got me wondering what options Somerville has to highly encourage if not mandate AEDs in restaurants? Is this something we can look into?

Should you have any questions, please feel free to email or call using the contact information in the below signature.

Regards,
Courtney O'Keefe
Email // Courtney@CourtneyOKeefe.Com
Phone // (617) 224-8328

Begin forwarded message:

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	EMS Notification	
	Maintenance Program	
	Notification of Use	

Good Samaritan Protection

Rescuer	Purchaser	Property Owner	Physician	Trainer
	No Current Legislation	No Current Legislation	No Current Legislation	No Current Legislation

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Laws / Legislation

Reference	Date	Summary
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HB 2136	2009	A bill requiring that all public schools in the state have an AED on-site, and an AED trained individual available during school hours and at school-sponsored events, including those off campus.
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Chapter 142	1999	Expands on Good Samaritan protection.

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