

AN ACT

RELATING TO HEALTH; LIMITING LIABILITY FOR A GOOD SAMARITAN WHO COMES TO THE AID OF A PERSON IN APPARENT CARDIAC ARREST; REVISING LANGUAGE IN THE CARDIAC ARREST RESPONSE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-10C-3 NMSA 1978 (being Laws 1999, Chapter 94, Section 3) is amended to read:

"24-10C-3. DEFINITIONS.--As used in the Cardiac Arrest Response Act:

A. "automated external defibrillator" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket modification filed pursuant to 21 U.S.C. 360(k), from the United States food and drug administration;

(2) is capable of recognizing cardiac arrest that will respond to defibrillation, ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining whether defibrillation should be performed; and

(3) upon determining that defibrillation should be performed, automatically charges and is capable of delivering an electrical impulse to an individual's heart;

B. "automated external defibrillator program" means a program of trained targeted responders registered with the department and operating under the supervision of a

physician medical director;

C. "defibrillation" means the administration of a controlled electrical charge to the heart to restore a viable cardiac rhythm;

D. "department" means the department of health;

E. "good Samaritan" means a person who lacks automated external defibrillator training but who has access to an automated external defibrillator and provides emergency automated external defibrillator services to a person in apparent cardiac arrest, provided that the good Samaritan:

(1) acts in good faith as an ordinary prudent person would have in the same or similar circumstances; and

(2) acts without compensation;

F. "physician" means a doctor of medicine or doctor of osteopathy who is licensed or otherwise authorized to practice medicine or osteopathic medicine in New Mexico; and

G. "trained targeted responder" means a person trained in the use of an automated external defibrillator under emergency cardiac care guidelines."

Section 2. Section 24-10C-4 NMSA 1978 (being Laws 1999, Chapter 94, Section 4) is amended to read:

"24-10C-4. PROTECTION OF PUBLIC SAFETY.--A person who acquires an automated external defibrillator shall ensure

that:

A. a physician medical director oversees all aspects of the automated external defibrillator program, including training, emergency medical services coordination, protocol approval and automated external defibrillator deployment strategies, and that the physician medical director provides overall quality assurance and reviews each case in which the automated external defibrillator is used by the program;

B. the trained targeted responder receives appropriate training in cardiopulmonary resuscitation and in the use of an automated external defibrillator by a nationally recognized course in cardiopulmonary response and automated external defibrillator use approved by the department or other training programs authorized by the department;

C. the defibrillator is maintained and tested according to the manufacturer's guidelines;

D. any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical system as soon as possible and reports any clinical use of the automated external defibrillator to the physician medical director;

E. the automated external defibrillator program is registered with the department; and

F. the local emergency medical services and local 911 agencies have been notified of the automated external defibrillator program."

Section 3. Section 24-10C-5 NMSA 1978 (being Laws 1999, Chapter 94, Section 5) is amended to read:

"24-10C-5. AUTHORITY.--A person may acquire an automated external defibrillator if the person has met all the requirements of Section 24-10C-4 NMSA 1978. Nothing in this section limits the right of a person to practice a health profession that the person is otherwise authorized to practice in accordance with the laws of New Mexico."

Section 4. Section 24-10C-6 NMSA 1978 (being Laws 1999, Chapter 94, Section 6) is amended to read:

"24-10C-6. EXEMPTION.--Nothing in the Cardiac Arrest Response Act precludes a physician from prescribing an automated external defibrillator to a patient for use by the patient's caregiver on an individual patient, and the use does not require the individual to function in an approved program."

Section 5. Section 24-10C-7 NMSA 1978 (being Laws 1999, Chapter 94, Section 7) is amended to read:

"24-10C-7. LIMITED IMMUNITY PROTECTIONS.--The following persons who render emergency care or treatment by the use of an automated external defibrillator pursuant to the provisions of the Cardiac Arrest Response Act shall not be subject to

civil liability, provided that they have acted with reasonable care and in compliance with the requirements of that act:

A. a physician who provides supervisory services pursuant to the Cardiac Arrest Response Act;

B. a person who provides training in cardiopulmonary resuscitation and use of automated external defibrillation;

C. a person who acquires an automated external defibrillator pursuant to the Cardiac Arrest Response Act;

D. the owner of the property or facility where the automated external defibrillator is located;

E. the trained targeted responder; and

F. a good Samaritan."

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