

HOUSE BILL 639

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

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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" [~~and semi-~~
~~automated external defibrillation (AED)] 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;

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

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

8 B. "[~~AED~~] automated external defibrillator program"
9 means a program of trained targeted responders registered with
10 the department and operating under the supervision of a
11 physician medical director [~~and is registered with the~~
12 ~~department~~];

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

16 D. "department" means the department of health;

17 E. "good Samaritan" means a person who provides
18 emergency automated external defibrillator services to a person
19 in apparent cardiac arrest, provided that the good Samaritan:

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

22 (2) acts without compensation;

23 [~~E.~~] F. "physician" means a doctor of medicine or
24 doctor of osteopathy who is licensed or otherwise authorized to
25 practice medicine or osteopathic medicine in New Mexico; and

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1 [F-] G. "trained targeted responder" means a person
2 who has completed an authorized [~~AED training~~] automated
3 external defibrillator program [~~and who uses an AED~~]."

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

6 "24-10C-4. PROTECTION OF PUBLIC SAFETY.--A person who
7 acquires an [~~AED~~] automated external defibrillator shall ensure
8 that:

9 A. a physician medical director oversees all
10 aspects of the [~~defibrillation~~] automated external
11 defibrillator program, including training, emergency medical
12 services coordination, protocol approval [~~AED~~] and automated
13 external defibrillator deployment strategies [~~and other program~~
14 ~~requirements~~], and that the physician medical director provides
15 overall quality assurance and reviews each case in which the
16 [~~AED~~] automated external defibrillator is used by the program;

17 B. the trained targeted responder receives
18 appropriate training in cardiopulmonary resuscitation and in
19 the use of an [~~AED~~] automated external defibrillator by a
20 nationally recognized course in cardiopulmonary response and
21 [~~AED~~] automated external defibrillator use approved by the
22 department or other training programs authorized by the
23 department;

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

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

7 E. the [AED] automated external defibrillator
8 program is registered with the department; and

9 F. the local emergency medical services and local
10 911 agencies have been notified of the [AED] automated external
11 defibrillator program."

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

14 "24-10C-5. AUTHORITY.--[Any] A person may use an [AED]
15 automated external defibrillator if the person has met all the
16 requirements of Section [~~4 of the Cardiac Arrest Response Act~~]
17 24-10C-4 NMSA 1978. Nothing in this section limits the right
18 of [~~an individual~~] a person to practice a health profession
19 that the [~~individual~~] person is otherwise authorized to
20 practice [~~under~~] in accordance with the laws of New Mexico."

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

23 "24-10C-6. EXEMPTION.--Nothing in the Cardiac Arrest
24 Response Act precludes a physician from prescribing an [AED]
25 automated external defibrillator to a patient for use by the

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1 patient's caregiver on an individual patient, and the use does
2 not require the individual to function in an approved program."

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

5 "24-10C-7. LIMITED IMMUNITY PROTECTIONS.--The following
6 persons [~~or entities~~] who render emergency care or treatment by
7 the use of an [~~AED under~~] automated external defibrillator
8 pursuant to the provisions of the Cardiac Arrest Response Act
9 shall not be subject to civil liability, provided that they
10 have acted with reasonable care and in compliance with the
11 requirements of that act:

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

14 B. a person [~~or entity that~~] who provides training
15 in cardiopulmonary resuscitation and use of automated external
16 defibrillation;

17 C. a person [~~or entity that~~] who acquires an [~~AED~~]
18 automated external defibrillator pursuant to the Cardiac Arrest
19 Response Act;

20 D. the owner of the property or facility where the
21 [~~AED~~] automated external defibrillator is located; [~~and~~]

22 E. the trained targeted responder; and

23 F. a good Samaritan."