

NCSIG Position Paper – Automated External Defibrillators (AEDs)

NCSIG staff does not support member districts acquiring AEDs.

The primary Risk Management concern with a school installing AEDs is the school's ability to maintain its immunity from liability for damages resulting from acts or omissions while using the AED.

Per Health and Safety Code 1797.196, an entity that acquires an AED must:

- Have a written plan for usage
- Maintain the machine according to the manufacturers' specification
- Conduct and document inspections of the AED every thirty days
- Ensure a specified number of staff have been trained on the equipment
- Trained staff to be available "normal operating hours". Which are during hours of classroom instruction and any school sponsored activity occurring on school grounds
- Involvement of a licensed physician in developing a program to ensure compliance with regulations and requirements for training, notification, and maintenance
- Commit to notifying both the prescribing physician and local EMS agency every time the AED is used

Site inspections have shown that districts are deficient in maintaining the fire extinguisher program, the Injury Illness Prevention Program, keeping Material Safety Data Sheets current, documenting playground inspections, and keeping staff currently trained in CPR, first aid, and Hazard Communication.

Consider the following scenario: A student suffers a cardiac arrest and the AED on campus does not work as it should because:

- It has not been properly maintained
- It has not been checked for batter functionality
- No one knows where the AED was kept or it has been locked away
- The staff has not been trained

If one of the above situations was the cause, the district could be liable for negligence.

According to Keenan & Associates, AEDs are not a specific exclusion under the Memorandum of Coverage (MOC); although coverage will eventually be determined by the specific circumstances of the claim. It should be noted, however, that punitive damages awarded if the district is found to be negligent are not covered under the MOC.

Due to the current financial crisis that schools are in and the amount of staff who are being cut, it would not be prudent to add a program that could substantially increase their liability. Schools do have good communications on campus and are trained to respond to

an emergency. If an individual does experience a cardiac crisis while on campus, staff can immediately call for emergency response and care for the individual until medical help arrives.

SB 1281 had the following text “A person or entity that acquires an AED for emergency use pursuant to this section is not liable for any civil damages resulting from any acts or omissions in the rendering of the emergency care by use of an AED.” This bill died in committee. If a similar bill is passed, NCSIG will review if the current recommendation should be altered.