

HB 1114 -- AUTOMATED EXTERNAL DEFIBRILLATORS

SPONSOR: Zerr

This bill defines an "entity" in relation to the use of an automated external defibrillator as the state, a state agency, political subdivision, or a governmental entity of any type or an organization, association, firm, corporation, partnership, sole proprietorship, or business of any kind or character.

The bill holds harmless and immune from civil liability any employee, agent, or volunteer of a school district who administers cardiopulmonary resuscitation and other lifesaving methods in good faith and according to standard medical practices or in accordance with the instructions for use of an automated external defibrillator. The provisions requiring any employee, agent, or volunteer of the school district to be trained are repealed.

Currently, a person or entity expected to use a defibrillator may receive training from the American Red Cross or American Heart Association. The bill adds a training course approved by the Department of Health and Senior Services to the list of training courses an expected user may receive. The provisions ensuring that a person or entity that owns an automated external defibrillator for use outside of a health care facility have a physician (1) review and approve the clinical protocol for the use of the defibrillator; (2) review and advise regarding the training and skill maintenance of the intended users of the defibrillator; and (3) assure proper review of all situations when the defibrillator is used to render emergency care are repealed.

Currently, the licensed physician who reviews and approves the clinical protocol cannot be held liable for civil damages resulting from the use of an automated external defibrillator. The bill repeals this provision and adds a person or entity that employs, contracts with, or otherwise designates as an agent a person who uses an external defibrillator to the list of persons who cannot be held liable for civil damages resulting from the use of an automated external defibrillator.

Currently, these provisions cannot affect any tort or action for a damage claim under Chapter 537, RSMo or any tort action based on improper health care under Chapter 538. The bill repeals this provision.