

# VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

## CHAPTER 928

*An Act to amend and reenact §§ 8.01-225 and 32.1-111.14:1 of the Code of Virginia, relating to automated external defibrillators; immunity.*

[H 1049]

Approved April 9, 2000

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-225 and 32.1-111.14:1 of the Code of Virginia are amended and reenacted as follows:**

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person at the scene of an accident, fire, or any life-threatening emergency, or en route therefrom to any hospital, medical clinic or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, administers epinephrine to an individual for whom an insect sting treatment kit has been prescribed shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if he has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, rescue or emergency squad, or any governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission or storage of liquefied petroleum gas, liquefied natural gas, hazardous material or hazardous waste as defined in § 18.2-278.1 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire or any other place, or while transporting such injured or ill person to, from or between any hospital, medical facility, medical clinic, doctor's office or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. Has attended and successfully completed a course in cardiopulmonary resuscitation which has been approved by the State Board of Health who, in good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation, cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator, or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident or any other place, or while transporting such person to or from any hospital, clinic, doctor's office or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. ~~Provides~~ *In compliance with § 32.1-111.14:1 registers an automated external defibrillation services defibrillator for emergencies, use at the scene of an emergency, operates a registered automated external defibrillator at the scene of an emergency, trains individuals to be operators of registered automated external defibrillators, or orders automated external defibrillators which are subsequently registered, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an a registered automated external defibrillator in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.*

8. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

B. ~~Any~~ *Is an* employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a school board is covered by the immunity granted herein, the school board employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

C. Any licensed physician serving without compensation as the operational medical director for a licensed emergency medical services agency in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency services agency in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services technician shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 system, as defined in § 58.1-3813, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

*Any licensed physician serving without compensation as a supervisor of a registered automated external defibrillator in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the registrant of the automated external defibrillator relating to personnel training, local emergency medical services coordination, protocol approval, automated external defibrillator deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.*

D. Any provider of telecommunication service, as defined in § 58.1-3812, including mobile service, in this Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct.

E. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

For the purposes of this section, the term "compensation" shall not be construed to include (i) the salaries of police, fire or other public officials or personnel who render such emergency assistance, (ii) the salaries or wages of employees of a coal producer engaging in emergency medical technician service or first aid service pursuant to the provisions of §§ 45.1-161.38, 45.1-161.101, 45.1-161.199 or § 45.1-161.263, or (iii) complimentary lift tickets, food, lodging or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group or agency, or (iv) *the salary of any person who, in compliance with § 32.1-111.14:1, (a) registers an automated external defibrillator for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate registered automated external defibrillators at the scene of emergencies, (c) orders automated external defibrillators for subsequent registration and use at the scene of emergencies, or (d) operates, in accordance with the training required by § 32.1-111.14:1, a registered automated external defibrillator at the scene of an emergency.*

For the purposes of this section, an emergency medical care attendant or technician shall be deemed to include a person licensed or certified as such or its equivalent by any other state when he is performing services which he is licensed or certified to perform by such other state in caring for a patient in transit in this Commonwealth, which care originated in such other state.

§ 32.1-111.14:1. Automated external defibrillators; registration required.

A. An automated external defibrillator may be used to save or attempt to save the life of a person who is in cardiac arrest *upon being registered* in accordance with this section and the Board's regulations.

B. Upon obtaining an automated external defibrillator and prior to placing such equipment in use, any person, as defined in § 1-13.19, other than a health care facility licensed by the Board of Health or the Board of Mental Health, Mental Retardation and Substance Abuse Services or an adult care residence licensed by the Board of Social Services, any person regulated by a health regulatory board within the Department of Health Professions whose scope of practice encompasses such services, or an emergency medical services agency regulated by the Board, shall register *the automated external defibrillator* with the Board. *Each device shall be registered separately.* The Board shall establish requirements for automated external defibrillator registration which shall include, but need not be limited to, the following criteria:

1. All operators of the automated external defibrillator shall be required to receive and successfully complete training in cardiopulmonary resuscitation and in the use of automated external defibrillators in a course which has been approved by the Board of Health.

2. *The registrant of the automated external defibrillator shall ensure that the defibrillator is maintained and tested in compliance with the manufacturer's operational guidelines and any Board regulations and written records of such maintenance and testing shall be kept.*

3. A licensed physician shall supervise the defibrillation program, including personnel training, local emergency medical services coordination, protocol approval, automated external defibrillator deployment strategies, and an equipment maintenance plan and records.

4. The payment of a registration fee, not to exceed twenty-five dollars.

5. ~~The establishment of~~ Disciplinary actions ~~upon~~ *shall be established for the registrant's failure to comply with the requirements of this section, other relevant law or the Board's regulations which. Such disciplinary actions* may include, but need not be limited to, citations, suspension of the registration, revocation of the registration or denial of registration renewal.

6. The registration shall be effective for four years, and the registrant shall apply for renewal before the expiration of his registration *certificate*, as provided in the Board's regulations.

C. Upon compliance with the requirements of this section, any other relevant law, and Board regulations, the Board shall issue the ~~owner of~~ *applicant for registration of* the automated external defibrillator a certificate of registration *for the specific defibrillator.*