

LEGISLATIVE BILL 176

Approved by the Governor March 9, 2005

Introduced by Jensen, 20

AN ACT relating to emergency medical services; to amend section 71-51,102, Reissue Revised Statutes of Nebraska; to change provisions relating to automated external defibrillator use; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-51,102, Reissue Revised Statutes of Nebraska, is amended to read:

71-51,102. (1) For purposes of this section:

(a) Automated external defibrillator means a device that:

(i) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention of an operator, whether defibrillation should be performed; and

(ii) Automatically charges and requests delivery of an electrical impulse to an individual's heart when it has identified a condition for which defibrillation should be performed;

(b) Emergency medical service means an emergency medical service as defined in section 71-5175;

(c) Health care facility means a health care facility as defined in section 71-413;

(d) Health care practitioner facility means a health care practitioner facility as defined in section 71-414; and

(e) Health care professional means any person who is licensed, certified, or registered by the Department of Health and Human Services Regulation and Licensure and who is authorized within his or her scope of practice to use an automated external defibrillator.

(2) ~~No person other than a health care professional shall use an automated external defibrillator for emergency care or treatment unless:~~

~~(a) The user of the defibrillator has received appropriate training in the use of the defibrillator as established by the Department of Health and Human Services Regulation and Licensure; and~~

~~(b) The defibrillator is maintained and tested according to the manufacturer's guidelines.~~

~~(3) Except for the action or omission of a health care professional acting in such capacity or in a health care facility, no person who delivers emergency care or treatment using an automated external defibrillator as prescribed in subsection (2) of this section shall be liable in any civil action to respond in damages as a result of his or her acts of commission or omission arising out of and in the course of rendering such care or treatment in good faith. Nothing in this subsection shall be deemed construed to (a) grant immunity for any willful, wanton, or grossly negligent acts of commission or omission or (b) limit the immunity provisions for certain health care professionals as provided in section 71-5194.~~

~~(4) Any~~ (3) A person ~~who acquires~~ acquiring an automated external defibrillator shall notify the local emergency medical service of the existence, location, and type of the defibrillator and of any change in the location of such defibrillator unless the defibrillator was acquired for use in a private residence, a health care facility, or a health care practitioner facility.

Sec. 2. Original section 71-51,102, Reissue Revised Statutes of Nebraska, is repealed.