

4411

2011-2012 Regular Sessions

I N S E N A T E

April 4, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when
printed to be committed to the Committee on Aging

AN ACT to amend the public health law, in relation to automated external
defibrillator requirements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 4656 of the public health law, as added by chapter
2 2 of the laws of 2004, is amended by adding a new subdivision 9 to read
3 as follows:
4 9. (A) EVERY ASSISTED LIVING FACILITY LICENSED UNDER THIS ARTICLE
5 SHALL HAVE ON THE PREMISES AT LEAST ONE AUTOMATED EXTERNAL DEFIBRILLA-
6 TOR, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION THREE
7 THOUSAND-B OF THIS CHAPTER, AND SHALL HAVE IN ATTENDANCE AT ALL TIMES AT
8 LEAST ONE INDIVIDUAL PERFORMING EMPLOYMENT OR INDIVIDUAL ACTING AS AN
9 AUTHORIZED VOLUNTEER WHO HOLDS A VALID CERTIFICATION OF COMPLETION OF A
10 COURSE IN THE STUDY OF THE OPERATION OF AUTOMATED EXTERNAL DEFIBRILLA-
11 TORS AND A VALID CERTIFICATION OF THE COMPLETION OF A COURSE IN THE
12 TRAINING OF CARDIOPULMONARY RESUSCITATION PROVIDED BY A NATIONALLY
13 RECOGNIZED ORGANIZATION OR ASSOCIATION. THE COMMISSIONER SHALL PROMUL-
14 GATE REGULATIONS TO DETERMINE THE QUANTITY AND TYPE DEEMED TO BE
15 ADEQUATE TO ENSURE READY AND APPROPRIATE ACCESS FOR USE DURING EMERGEN-
16 CIES TAKING INTO ACCOUNT THE SIZE AND OCCUPANCY OF EACH FACILITY AND ANY
17 OTHER MATTER DEEMED NECESSARY BY THE COMMISSIONER TO EFFECTUATE THE DUTY
18 PRESCRIBED BY THIS SUBDIVISION. SUCH REGULATIONS SHALL ALSO PROVIDE FOR
19 A PHASE-IN SCHEDULE OF THE DUTY CREATED BY THIS SUBDIVISION.
20 (B) ASSISTED LIVING FACILITIES AND STAFF PURSUANT TO PARAGRAPH (A) OF
21 THIS SUBDIVISION SHALL BE DEEMED A "PUBLIC ACCESS DEFIBRILLATION PROVID-
22 ER" AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THREE
23 THOUSAND-B OF THIS CHAPTER AND SHALL BE SUBJECT TO THE REQUIREMENTS AND
24 LIMITATION OF SUCH SECTION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (C) PURSUANT TO SECTIONS THREE THOUSAND-A AND THREE THOUSAND-B OF THIS
2 CHAPTER, ANY PUBLIC ACCESS DEFIBRILLATION PROVIDER, OR ANY EMPLOYEE OR
3 OTHER AGENT OF THE PROVIDER WHO, IN ACCORDANCE WITH THE PROVISIONS OF
4 THIS SECTION, VOLUNTARILY AND WITHOUT EXPECTATION OF MONETARY COMPEN-
5 SATION RENDERS EMERGENCY MEDICAL OR FIRST AID TREATMENT USING AN AUTO-
6 MATED EXTERNAL DEFIBRILLATOR WHICH HAS BEEN MADE AVAILABLE PURSUANT TO
7 THIS SECTION, TO A PERSON WHO IS UNCONSCIOUS, ILL OR INJURED, SHALL BE
8 LIABLE ONLY PURSUANT TO SECTION THREE THOUSAND-A OF THIS CHAPTER.
9 S 2. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.