S T A T E O F N E W Y O R K

5957--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 11, 2013

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 4656 of the public health law, as added by chapter 2 of the laws of 2004, is amended by adding a new subdivision 9 to read as follows:

9. (A) EVERY ASSISTED LIVING FACILITY LICENSED UNDER THIS ARTICLE SHALL HAVE ON THE PREMISES AT LEAST ONE AUTOMATED EXTERNAL DEFIBRILLATOR, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION THREE THOUSAND-B OF THIS CHAPTER, AND SHALL HAVE IN ATTENDANCE AT ALL TIMES AT LEAST ONE EMPLOYEE WHO HOLDS A VALID CERTIFICATION OF COMPLETION OF A COURSE IN THE STUDY OF THE OPERATION OF AUTOMATED EXTERNAL DEFIBRILLATORS AND A VALID CERTIFICATION OF THE COMPLETION OF A COURSE IN THE TRAINING OF CARDIOPULMONARY RESUSCITATION PROVIDED BY A NATIONALLY RECOGNIZED ORGANIZATION OR ASSOCIATION. THE COMMISSIONER SHALL PROMULGATE REGULATIONS TO DETERMINE THE QUANTITY AND TYPE DEEMED TO BE ADEQUATE TO ENSURE READY AND APPROPRIATE ACCESS FOR USE DURING EMERGENCIES TAKING INTO ACCOUNT THE SIZE AND OCCUPANCY OF EACH FACILITY AND ANY OTHER MATTER DEEMED NECESSARY BY THE COMMISSIONER TO EFFECTUATE THE DUTY PRESCRIBED BY THIS SUBDIVISION. SUCH REGULATIONS SHALL ALSO PROVIDE FOR A PHASE-IN SCHEDULE OF THE DUTY CREATED BY THIS SUBDIVISION.

(B) IN NO INSTANCE SHALL AN AUTOMATED EXTERNAL DEFIBRILLATOR BE UTILIZED OR CARDIOPULMONARY RESUSCITATION BE PERFORMED ON AN ASSISTED LIVING RESIDENT WHO HAS VALIDLY EXECUTED AN ORDER NOT TO RESUSCITATE, WHICH IS ON FILE WITH THE FACILITY.

(C) ASSISTED LIVING FACILITIES AND STAFF PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE DEEMED A "PUBLIC ACCESS DEFIBRILLATION PROVID-

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

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ER" AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THREE THOUSAND-B OF THIS CHAPTER AND SHALL BE SUBJECT TO THE REQUIREMENTS AND LIMITATIONS OF SUCH SECTION.

(D) PURSUANT TO SECTIONS THREE THOUSAND-A AND THREE THOUSAND-B OF THIS CHAPTER, ANY PUBLIC ACCESS DEFIBRILLATION PROVIDER, OR ANY EMPLOYEE OR OTHER AGENT OF THE PROVIDER WHO, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, RENDERS EMERGENCY MEDICAL OR FIRST AID TREATMENT USING AN AUTOMATED EXTERNAL DEFIBRILLATOR WHICH HAS BEEN MADE AVAILABLE PURSUANT TO THIS SECTION, TO A PERSON WHO IS UNCONSCIOUS, ILL OR INJURED, SHALL BE LIABLE ONLY PURSUANT TO SECTION THREE THOUSAND-A OF THIS CHAPTER.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.