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TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D. *KBS:clw*
DATE: October 25, 2016
SUBJECT: COMAR 13A.05.10.01-.03, Automated External Defibrillator Program in High Schools (PUBLISH)

PURPOSE:

To obtain permission to publish amendments to Code of Maryland Regulations 13A.05.10.01-.03, Automated External Defibrillator Program in High Schools Authority: Education Article, §7-425 and 13-517, Annotated Code of Maryland (ATTACHMENT I).

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Joint Committee on Administrative, Executive, and Legislative Review (AELR) for a 15-day review period. If the AELR does not retain the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The proposed amendments to COMAR 13A.05.10.01-.03 expand the requirements of the Automated External Defibrillator (AED) Program mandated by Education Article, §7-425, Annotated Code of Maryland, to be implemented by each county board in each high school *and middle school* in the county.

This change defines an “authorized site” as a public high school or middle school and meets the requirements of the Emergency Medical Services (EMS) Board, under Education Article,

§13-517, Annotated Code of Maryland, and COMAR 30.06.01—30.06.05, for providing automated external defibrillation. Additionally, the minimum requirements for the development and implementation of the AED program include the following:

- (1) One AED on-site in each public high school *and middle school*, which shall be available for use at each school-sponsored athletic event;
- (2) One individual trained in the operation and use of an AED present at each school-sponsored athletic event; and
- (3) One individual trained in the operation and use of an AED on-site at each high school and middle school during the regular school day.

The implementation of the AED program in high school and middle school provides for increased safety during school-sponsored athletic events and during the regular school day. The regulation to implement the program in high schools was originally published in the Maryland Register on February 1, 2008 and became effective April 21, 2008.

EXECUTIVE SUMMARY:

The proposed updated regulation would: (1) increase the health and safety of students in public high schools and middle schools during school-sponsored athletic events; (2) allow for the provision of one individual trained in the operation and use of an AED present at each high school and middle school-sponsored athletic event; and (3) provide one individual trained in the operation and use of an AED on-site at each high school and middle school during the regular school day. The current regulations are in alignment with the AED mandates and standards under the Maryland Institute for Emergency Medical Service Systems (MIEMSS). MSDE worked collaboratively with MIEMSS staff and legal counsel to review and provide accurate, updated information for the current revisions to the MSDE AED regulations.

ACTION:

Request permission to publish amendments to COMAR 13A.05.10.01-.03, Automated External Defibrillator Program in High Schools.

Attachments

13A.05.10.01-.03

Automated External Defibrillator Program in High Schools *and Middle Schools*

13A.05.10.01

Scope.

This chapter establishes the requirements of the Automated External Defibrillator Program mandated by Education Article, §7-425, Annotated Code of Maryland, for implementation by each county board for each high school *and middle school* in the county.

13A.05.10.02

Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Authorized site" means a public high school *or middle school* that meets the requirements of the Emergency Medical Services (EMS) Board, under Education Article, §13-517, Annotated Code of Maryland, and COMAR 30.06.01—30.06.05, for providing automated external defibrillation.

(2) "Automated external defibrillator (AED)" means a medical heart monitor and defibrillator device that:

(a) Is [approved] *cleared* for market by the federal Food and Drug Administration;

(b) Recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(c) Determines, without intervention by the operator, whether defibrillation should be performed; [and]

(d) On determining that defibrillation should be performed, automatically charges; and [either:]

(e) Requires operator intervention to deliver the electrical impulse or automatically continues with the delivery of an electrical impulse without operator intervention.

(3) "Certificate" means a certificate of approval issued by the EMS Board to an authorized site.

(4) "Event (code) summary" means the electronic report of an AED operation produced by an AED.

(5) "Individual trained in the operation and use of an AED" means a person who has successfully completed an educational training course and subsequent refresher trainings as required by the EMS Board pursuant to Education Article, §13-517, Annotated Code of Maryland.

(6) "On-site" means on the grounds of a public high school *or middle school*.

(7) "Public safety answering point (PSAP)" has the meaning stated in Public Safety Article, §1-301(q), Annotated Code of Maryland.

(8) "School-sponsored athletic event" means an interscholastic or intramural sporting event that takes place on-site at a public high school *or middle school*, including practices and scrimmages.

[(9) "Sponsoring physician" means a physician who:

(a) Is licensed to practice medicine under Health Occupations Article, Title 14, Annotated Code of Maryland;

(b) Provides medical oversight to an authorized site; and

(c) Meets qualifications established by the EMS Board.]

13A.05.10.03

.03 Minimum Requirements of the High School *and Middle School* AED Program.

A. Each county board shall develop and implement a High School *and Middle School* AED Program which shall require, at minimum:

(1) One AED on-site in each public high school *and middle school*, which shall be available for use at each school-sponsored athletic event;

(2) One individual trained in the operation and use of an AED present at each school-sponsored athletic event; and

(3) One individual trained in the operation and use of an AED on-site at each high school *and middle school* during the regular school day.

B. The High School *and Middle School* AED Program shall:

(1) Possess a valid certificate from the EMS Board to conduct an AED program;

(2) Comply with the rules, regulations, and policies that the EMS Board determines are applicable;

(3) Maintain up-to-date records of the initial and refresher training received by each individual trained in the operation and use of an AED;

(4) Adhere to the AED manufacturer's guidelines for maintenance, inspection, and repair of AEDs, including weekly inspection of the AED;

(5) Establish AED maintenance, operation, reporting, and quality improvement procedures to be documented as required by the EMS Board;

[(6) Submit a report for each incident in which an AED is operated or there was an AED response, including any event (code) summary, recording, or tape created by the AED, on the Maryland Facility AED Report Form for Cardiac Arrests to the following: (a) The office of the State EMS Medical Director;

(b) The local jurisdictional EMS operational program, if the PSAP is accessed; and

(c) The federal Food and Drug Administration, with a copy of the report to the State EMS Medical Director, if the AED fails when operated;]

(6) Submit:

(a) A report for each incident of suspected cardiac arrest at the facility on the Maryland Facility AED Report Form for Cardiac Arrests, including, when available, any event (code) summary, recording, or tape created by the AED to Maryland Institute for Emergency Medical Services Systems (MIEMSS), and be available for follow up as necessary; and

(b) If the AED fails when operated, in addition to submitting the required report to the federal Food and Drug Administration, a copy of the report to MIEMSS.

(7) Designate an AED coordinator who:

(a) Meets the requirements of [COMAR 30.06.02.01B] **COMAR 30.06.02.01A**, which includes training in cardiopulmonary resuscitation (CPR) and AED operation; and

(b) Is responsible for implementation and administration of the AED program; and

(8) Contact and collaborate with the closest jurisdictional emergency medical services operational program once the High School *and Middle School* AED Program is approved by the EMS Board.

C. Each county board shall inform all persons who are authorized to participate in the High School *and Middle School* AED Program of the immunities available under Education Article, §13-517, Annotated Code of Maryland.