

ORDINANCE NO. 13-3-2

AN ORDINANCE BY THE COUNCIL FOR THE CITY OF EXCELSIOR SPRINGS, A MUNICIPAL CORPORATION, COUNTY OF CLAY, STATE OF MISSOURI, FOR THE “PUBLIC ACCESS DEFIBRILLATOR PROGRAM”.

WHEREAS, the City provides pre-hospital emergency medical services through the Excelsior Springs Fire Department; and

WHEREAS, the American Heart Association has determined one key way to improving survival rates from sudden cardiac arrest is to reduce the time to deliver defibrillation therapy; and

WHEREAS, the American Heart Association reports new technology has resulted in the availability of Automated External Defibrillators (AED’s) which are safe and effective for use by lay persons with minimal training in rapidly delivering a defibrillatory shock; and

WHEREAS, it is in the public interest to make AEDs readily available and that the public be trained to properly use AEDs and to activate the pre-hospital emergency medical services system immediately upon using an AED; and

WHEREAS, §190.092.2, RSMo, authorizes the City to establish a program for the use of AED’s by properly qualified lay persons; and

WHEREAS, the State Emergency Physicians Advisory Board and the State Emergency Medical Services Advisory Committee have recommended adoption of a community AED program;

BE IT ORDAINED by the City Council of the City of Excelsior Springs, Clay County, Missouri, as follows:

SECTION I. That Excelsior Springs City Code is hereby amended by enacting a new ordinance entitled “Public Access Defibrillator Program” to read as follows: **Public Access Defibrillator Program.** This article shall be known and may be cited as the “Public Access Defibrillator Program Code.”

Purpose.

It is the purpose of this code to create the public access defibrillator program and establish guidelines for use, training, and data collection, as well as requirements and procedures for implementing and using Automated External Defibrillators (AED’s) within this program.

Definitions.

- (a) *Authorized* user means any person who has met the training standards of this code, and is authorized to use the Automated External Defibrillators (AED's) by the medical director and program manager.
- (b) *Automated external defibrillator* or *AED* means an external defibrillator capable of cardiac rhythm analysis that will charge and, with or without further operator action, deliver a shock after electronically detecting that a "shockable rhythm" is present.
- (c) *Director* means the EMS Director of the Excelsior Springs Fire Department or persons to whom the director has delegated duties imposed by this code.
- (d) *Health care facility* means a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed.
- (e) *Medical director* means a physician authorized by the State of Missouri to permit individuals to operate an AED and who develops, implements and maintains the medical control provisions of this code and the regulations promulgated pursuant to this code.
- (f) *Program manager* means a person who works with the medical director to oversee the administration of the Public Access Defibrillation (PAD) program at specific sites within Excelsior Springs.
- (g) *Public Access Defibrillation* or *PAD* means the utilization of AED's by rescuers to treat victims of cardiac arrest in public or private places, including first aid providers at public events not associated with the pre-hospital emergency medical services provider for the City, staff of nursing homes not otherwise exempt by this code, and similar activities.
- (h) *PAD site* means the agency, business, organization, or other entity that sponsors a PAD program and allows placement of an AED on its premises.

Exceptions.

The following entities or persons are exempt from the provisions of this code:

- (a) *Hospitals.* Hospitals licensed by the State of Missouri.
- (b) *Physicians.* Persons licensed by the State of Missouri as a physician pursuant to Chapter 334, RSMo.
- (c) *Nurses.* Persons licensed by the State of Missouri as a nurse pursuant to Chapter 335, RSMo.

- (d) *Mutual Aid Providers.* Persons working for ambulance services, fire departments or other EMS agencies that are called into the City to provide mutual aid to the City's pre-hospital emergency medical services.

Use of AEDs.

No entity or person shall begin a public access defibrillator program after March 2, 2003, unless the EMS Director certifies the program. Public access defibrillator programs operating on March 3, 2003, may operate for one year from that date without being certified by the director. Thereafter, the director shall certify all public access defibrillator programs.

EMS Director Duties.

- (a) *Adopt regulations.* The director shall adopt regulations necessary to implement a public access defibrillator program within the authorization of this code, Missouri law and regulations, and current medical standards for the use of AEDs and prompt treatment of people suffering cardiac arrest.
- (b) *Authorized programs.* The director shall maintain a list of authorized programs reflecting their intent to operate a PAD program pursuant to this code.
- (c) *Public access defibrillation programs.* The director shall maintain a list of PAD program sites.
- (d) *Audit.* The director shall have the right to audit any use of an AED. The director may review maintenance and repair records, training records, medical director agreements, reports of cardiopulmonary resuscitation or AED use, and any other records necessary to determine compliance with the terms of the PAD program. An audit, or quality assurance review, may include gathering clinical data and information from the person who used the AED, and from the AED itself.
- (e) *Delegation.* The director may delegate duties to appropriate personnel, including the medical director of the pre-hospital emergency medical services system working through the director's office, the Emergency Physicians Advisory Board, or other persons or entities determined by the director to be qualified to oversee the operations of PAD programs.

PAD program duties.

- (a) *Training.* Any person, business or institution acquiring an AED will authorize the use of the AED only by persons who have received training by the American Heart Association or American Red Cross, or an equivalent nationally recognized course approved by the director including the identification of cardiac arrest, administration of cardiopulmonary resuscitation, and the use of AEDs.

- (b) *Maintenance and testing.* Any person, business or institution acquiring an AED will maintain and test the unit according to the manufacturer's operational guidelines. Records of maintenance and testing will be made available to the director upon request.
- (c) *Notification of use of the AED.* Any person, business or institution that renders emergency care or treatment on a person by using an AED must notify the EMS system through proper use of the 9-1-1 system or other means to seek pre-hospital emergency medical services.
- (d) *Medical control.* Any person, business or institution that renders emergency care or treatment on a person by using an AED for use outside a health care facility shall have an authorized physician provide the medical protocol for the use of the device. Protocols will be made available to the director upon request.
- (e) *Cooperation with the director.* A person, business or institution acquiring an AED and the user of an AED will fully cooperate with the director in any audit or other quality assurance review, including the retrieval of clinical data from the device itself by the director.
- (f) *List of authorized users.* A PAD program will maintain a list of the persons participating in the program reflecting the persons' training and qualifications. This list will be subject to audit by the director.

Certification of participants in a PAD program.

- (a) *EMS Director duties.* The director shall establish criteria for the certification of AED programs.
- (b) *Periodic certification.* The director is authorized to require recertification of the program at intervals established by regulation.

Violations.

It is unlawful to:

- (a) Fail to cooperate with the director in the investigation, audit or other review of the use of an AED; or
- (b) Fail to make the AED available to the director for the recovery of data; or
- (c) Fail to properly maintain and test an AED made available for use; or
- (d) Fail to relinquish control of patient care to appropriately licensed members of the City of Liberty pre-hospital emergency medical services system upon their arrival.

Severability.


Should any portion of this code be held invalid or unenforceable, the remaining provisions of this code shall remain in effect.

SECTION II.

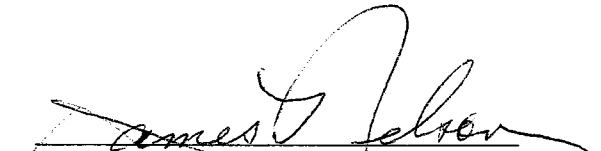
This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

PASSED AND APPROVED by the City Council and Mayor this 3rd day of March, 2003.

ATTEST:




Frances Smith, City Clerk



James Nelson, Mayor

REVIEWED BY:



Darren A. Hennen, City Manager