

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 67 Automated External Defibrillator Devices
SPONSOR(S): Sobel
TIED BILLS: **IDEN./SIM. BILLS:** SB 252

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Health Care General Committee</u>	<u>9 Y, 0 N</u>	<u>Ciccone</u>	<u>Brown-Barrios</u>
2) <u>Governmental Operations Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Health Care Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Health & Families Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

An Automatic External Defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm, and, if necessary, administer an electric shock to restore a normal rhythm in victims of sudden cardiac arrest. AEDs are designed to be used by people without medical backgrounds, such as police, firefighters, flight attendants, security guards, and lay rescuers.

Currently, the Florida Department of Health is authorized to dispense funds contained in the Emergency Medical Services Trust Fund to local agencies and emergency services organizations to improve and expand prehospital emergency medical services in the state. There are two primary ways money can be dispensed; by an individual board of county commissioners, as it deems appropriate, or by the Department of Health for making the matching grants to local agencies, municipalities and emergency medical services organizations. The bill will allow *youth athletic organizations* to receive funds from board of county commissioners and to allow *youth athletic organizations* to participate in the grant program. The bill specifies that *youth athletic organizations* that work in conjunction with local emergency medical services organizations may apply for grants for the purpose of expanding the use of automatic external defibrillators in the community.

HB 67 defines a *youth athletic organization* as a private not-for-private organization that promotes and provides organized athletic activities to youth. The bill also provides a cross reference to the definition of automated external defibrillators found in the statutes.¹

HB 67 authorizes the Department of Health to annually dispense funds contained in the Emergency Medical Services Trust Fund to emergency medical services organizations and *youth athletic organizations*, and revises dispensing of such funds to include youth athletic organizations.

HB 67 requires the Department of Health to implement an educational campaign to inform any person who acquires an automated external defibrillator device that the liability immunity under s. 768.1325, Florida Statutes, is contingent upon proper equipment maintenance, testing and user training.

Depending on the method of communication, a minimal fiscal impact may be incurred by the Department of Health to implement the educational campaign required in the bill.

The effective date of this bill is July 1, 2006.

¹ S. 768.1325(2) (b), F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government – HB 67 will grant county commission boards greater access to funds contained in the Emergency Medical Service Trust Fund, and the ability to distribute those funds to emergency medical service organizations and to youth athletic organizations, as they deem appropriate.

B. EFFECT OF PROPOSED CHANGES:

Currently, s. 401.111, Florida Statutes, authorizes the Department of Health to dispense funds contained in the Emergency Medical Services Trust Fund through a grant application process to local agencies and emergency services organizations. These grants should be designed to assist agencies and organizations in providing emergency medical services, including emergency medical dispatch. There are two primary ways that money can be dispensed from the trust fund: 1) by an individual board of county commissioners to emergency medical services organizations, as it deems appropriate or 2) by the Department of Health for making matching grants to local agencies, municipalities and emergency medical services organizations for the purpose of conducting research, increasing existing levels of emergency medical services evaluation, community education, injury prevention programs, and training in cardiopulmonary resuscitation and other lifesaving and first aid techniques. The bill amends s. 401.111, Florida Statutes, to expand the list of participants who may participate in the Emergency Services Grant Program and who may apply for or receive monies from the Emergency Medical Services Trust Fund to include *youth athletic organizations*.

The bill allows *youth athletic organizations* that work in conjunction with local emergency medical services organizations to apply for grants for the purpose of expanding the use of automatic external defibrillators in the community.

The bill directs the Department of Health to implement an educational campaign to inform any person who acquires an automated external defibrillator device that his or her immunity from liability under s. 768.1325, F. S., for harm resulting from the use or attempted use of the device, does not apply if he or she fails to properly maintain and test the device or provide appropriate training in the use of the device.

Background

Chapter 401, Florida Statutes, specifies that it is the legislative intent that emergency medical services are essential to the health and well-being of all citizens and that private and public expenditures for adequate emergency medical services represent a constructive and essential investment in the future of the state and our democratic society. A major impediment to the provision of adequate and economic emergency medical services to all citizens in the inability of governmental and private agencies with a service area to respond cooperatively to finance the systematic provision of such services.

Emergency Medical Services Grant Program

The Emergency Medical Services Grant Program was established to assist governmental and private agencies within a service area to respond cooperatively to finance the systematic provision of emergency medical services to all citizens.

The Department of Health (DOH) is authorized to dispense grant monies from the Emergency Medical Services Trust Fund according to the distribution formula provided in section 401.113(a) and (b), Florida Statutes, as follows:

(a) Forty-five percent of the monies collected by the DOH must be divided among the counties according to the proportion of the combined amount deposited in the trust fund from the county. An individual board of county commissioners may distribute these funds to emergency medical service organizations within the county, as it deems appropriate.

(b) Forty percent of the monies collected by DOH are for making matching grants to local agencies, municipalities, and emergency medical services organizations for the purpose of conducting research, increasing existing levels of emergency medical services evaluation, community education, injury prevention programs, and training in cardiopulmonary resuscitation and other lifesaving and first aid techniques.

HB 67 provides that grant monies may be distributed by the board of county commissioners as it deems appropriate to emergency medical service organizations and youth athletic organizations within the county.

According to DOH staff, grant applications are thoroughly reviewed. The DOH receives the majority of applications for automated external defibrillators from licensed emergency medical service providers for purchase and distribution to agencies and organizations in their service areas that have a significant number of cardiac related responses. Grant applications are reviewed and scored by a panel of EMS providers. Applications that receive a favorable score are provided funds to purchase the equipment.

Automated external Defibrillators

According to a number of articles in *The Physician and Sportsmedicine* there is increased interest to provide access to automatic external defibrillators at national local sporting events. Specifically, an article written by Dr. Aaron Rubin, *The Physician and Sportsmedicine, Vol 28 No.3, March 2000*, reads: "Although sudden cardiac death is rare in sports, having an automated external defibrillator (AED) available facilitates early defibrillation and increases the chance of survival for an athlete in cardiac arrest. In sudden cardiac arrest, the most frequent initial rhythm is ventricular fibrillation (VF). The only effective treatment for VF is electrical defibrillation and the probability of success declines rapidly over time. Chances of resuscitation decrease 7 percent to 10 percent each minute." Earlier articles in the same publication: *Automatic External Defibrillators in the Sports Arena: The Right Place, The Right Time, Vol, 26 No 12, December 1998*, support the benefits of having an AED accessible to athletes during sporting events. "In large sports settings, AEDs can supplement standby EMS services. At sports events in small towns or venues, the AED may be the only means available to effect early defibrillation."

C. SECTION DIRECTORY:

Section 1. Adds s. 401.107(6) and (7), F.S., providing the definition of *youth athletic organization* and the cross reference to the definition of *automatic external defibrillator* in s. 768.1325(2) (b), F.S.

Section 2. Amends s. 401.111, F.S., to include youth athletic organization as an eligible participant in the emergency medical services grant program, clarifies that the grant monies are designed to assist youth athletic organizations that work in conjunction with local emergency medical services organizations, to expand the use of automatic external defibrillators in the community.

Section 3. Amends s. 401.113(a) and (b), F.S., to direct the Department of Health to annually dispense funds contained in the Emergency Medical Services Trust Fund as it deems appropriate to emergency medical service organizations and *youth athletic organizations*.

Section 4. Requires the Department of Health to implement an educational campaign to inform any person who acquires an automated external defibrillator device that the liability immunity under s. 768.1325, Florida Statutes, is contingent upon proper equipment maintenance, testing and training.

Section 5. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The Department of Health is uncertain as to cost to the department to implement the educational campaign outlined in the bill. A minimal cost would be incurred if the department were to use the state's website to provide the information regarding equipment maintenance, testing and user training.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

HB 67 increases the number of entities authorized to participate in the Emergency Medical Services Grant Program.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Youth athletic organizations would be eligible for grant funds to purchase automatic external defibrillators. Allowing youth athletic organizations to apply for a grant to procure an automated external defibrillator may stimulate private sector revenue sources. It is undetermined how many such organizations would receive county funds or grant monies.

D. FISCAL COMMENTS:

See above.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require counties or municipalities to spend funds or to take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The Department of Health has sufficient rulemaking authority to implement the requirements of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES