

By Senator Fasano

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1 A bill to be entitled
2 An act relating to automated external defibrillators
3 in assisted living facilities; amending s. 429.255,
4 F.S.; requiring certain assisted living facilities to
5 possess a functioning automated external
6 defibrillator; providing for training in the use and
7 maintenance of automated external defibrillators and
8 location registration; providing immunity from
9 liability under the Good Samaritan Act and the Cardiac
10 Arrest Survival Act; requiring the Department of
11 Health to adopt rules relating to the use of automated
12 external defibrillators; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 429.255, Florida Statutes, is amended to
17 read:

18 429.255 Use of personnel; emergency care.—

19 (1) (a) Persons under contract to the facility, facility
20 staff, or volunteers, who are licensed according to part I of
21 chapter 464, or those persons exempt under s. 464.022(1), and
22 others as defined by rule, may administer medications to
23 residents, take residents' vital signs, manage individual weekly
24 pill organizers for residents who self-administer medication,
25 give prepackaged enemas ordered by a physician, observe
26 residents, document observations on the appropriate resident's
27 record, report observations to the resident's physician, and
28 contract or allow residents or a resident's representative,
29 designee, surrogate, guardian, or attorney in fact to contract

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30 with a third party, provided residents meet the criteria for
31 appropriate placement as defined in s. 429.26. Nursing
32 assistants certified pursuant to part II of chapter 464 may take
33 residents' vital signs as directed by a licensed nurse or
34 physician. Facility staff may use an automated external
35 defibrillator only if the staff member has received the training
36 required in subsection (4).

37 (b) All staff in facilities licensed under this part shall
38 exercise their professional responsibility to observe residents,
39 to document observations on the appropriate resident's record,
40 and to report the observations to the resident's physician.
41 However, the owner or administrator of the facility shall be
42 responsible for determining that the resident receiving services
43 is appropriate for residence in the facility. The owner or
44 administrator of an assisted living facility that has 17 or more
45 beds shall establish requirements for the use of automated
46 external defibrillators.

47 (c) In an emergency situation, licensed personnel may carry
48 out their professional duties pursuant to part I of chapter 464
49 until emergency medical personnel assume responsibility for
50 care.

51 (2) In facilities licensed to provide extended congregate
52 care, persons under contract to the facility, facility staff, or
53 volunteers, who are licensed according to part I of chapter 464,
54 or those persons exempt under s. 464.022(1), or those persons
55 certified as nursing assistants pursuant to part II of chapter
56 464, may also perform all duties within the scope of their
57 license or certification, as approved by the facility
58 administrator and pursuant to this part.

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59 (3) (a) An assisted living facility that has 17 or more beds
60 licensed under this part shall have on the premises at all times
61 a functioning automated external defibrillator as defined in s.
62 768.1325(2) (b) .

63 (b) Facility staff shall be trained in accordance with s.
64 401.2915.

65 (c) The location of each automated external defibrillator
66 shall be registered with the local emergency medical services
67 medical director.

68 (d) The use of automated external defibrillators by
69 facility staff shall be covered under the provisions of ss.
70 768.13 and 768.1325.

71 ~~(4)~~(3) Facility staff may withhold or withdraw
72 cardiopulmonary resuscitation or the use of an automated
73 external defibrillator if presented with an order not to
74 resuscitate executed pursuant to s. 401.45. The department shall
75 adopt rules providing for the implementation of such orders.
76 Facility staff and facilities shall not be subject to criminal
77 prosecution or civil liability, nor be considered to have
78 engaged in negligent or unprofessional conduct, for withholding
79 or withdrawing cardiopulmonary resuscitation or use of an
80 automated external defibrillator pursuant to such an order and
81 rules adopted by the department. The absence of an order to
82 resuscitate executed pursuant to s. 401.45 does not preclude a
83 physician from withholding or withdrawing cardiopulmonary
84 resuscitation or use of an automated external defibrillator as
85 otherwise permitted by law.

86 (5) The Department of Health shall adopt rules to implement
87 the provisions of this section relating to use of an automated

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88 external defibrillator.

89 Section 2. This act shall take effect upon becoming a law.