

WEB EXCLUSIVE: THE ABC'S OF AEDS

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Every time a natural disaster hits, we learn of at least one person who tragically died of a heart attack when placed in a stressful or unusual situation. Sadly, we hear little about the hundreds of thousands of other deaths related to cardiac arrest that occur every year. The American Heart Association estimates there will be 350,000 sudden cardiac arrests this year, but that Automated External Defibrillators (AEDs) could prevent 50,000 lost lives.

Some would argue, then, that maintaining one or more AEDs at the workplace is a no-brainer. Yet, while some local laws require AEDs in certain settings – including health clubs, swimming pools, athletic fields, daycare facilities, schools, and places of public assembly – employers are mostly left to do as they please, as relatively few legal requirements exist in this area for the average employer. For example, the Occupational Safety and Health Administration (OSHA) strongly encourages AEDs and provides a page [dedicated to the devices on its website](#), but does not require them in the workplace. And although the National Conference of State Legislators pushes various types of AED-related legislation and numerous states are considering bills, there has been little formalized to date.

So the two main questions for employers are: (1) Do the benefits of having AEDs in the office outweigh any legal exposure they might bring? (2) What are the legal requirements if one chooses to provide them in the workplace?

WHAT IS AN AED?

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For the unfamiliar, an AED is a lightweight portable device that delivers an electric shock through the chest to the heart. The shock can potentially stop an irregular heartbeat (arrhythmia) and allow a normal rhythm to resume following sudden cardiac arrest. The devices are designed to be used by non-medical personnel, as audible prompts guide the user through the process. A built-in computer checks the victim's heart rhythm through adhesive electrodes and calculates whether defibrillation is needed. If so, a recorded voice prompts the rescuer to press the "shock" button on the AED, which momentarily stuns the heart and stops all activity. This procedure gives the heart the chance to resume beating effectively, allowing crucial time for medical responders to arrive and perform first aid.

OSHA FIRST AID REQUIREMENTS AND AEDS

Many employers do not realize that OSHA standards require employers to provide first-aid training if an outside medical response is not available in "near proximity," which has been interpreted strictly by OSHA as aid located within four or five minutes. The agency points to medical literature in which it's established that first aid treatment must be provided within the first few minutes in cases of serious injury (such as those where an individual has stopped breathing, cardiac arrest, or uncontrolled bleeding) to avoid permanent medical impairment or death.

OSHA rules require those workplaces with inherently high potential of serious accidents (such as falls, suffocation, electrocution, or amputation) to make emergency medical services available within three to four minutes if there is no employee on the site trained to render first aid. In workplaces such as offices where such serious injuries are less likely, a longer response time of up to 15 minutes may be reasonable, according to OSHA.

Under OSHA standards, "first aid" explicitly includes CPR training but, because the devices were not common when the standard was drafted in 1998, it does not mention AEDs. Beginning with a 2004 Interpretation Letter, however, OSHA includes workplace AEDs and training as a "best practice" for employers, which is about all the agency can do without formal rulemaking.

STATE LAW CONSIDERATIONS

Most people know that certain states have various types of “Good Samaritan Laws” that limit legal exposure to individuals who attempt to perform first aid on injured persons, including the use of an AED. While most of these laws are strong, many states impose additional limitations on the rule, or require training, maintenance, registration, and other requirements for using AEDs in order to qualify for Good Samaritan protections.

Most states’ laws include one or more of the following provisions or requirements:

- Establish clear legislative intent that an “automatic external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest.”
- Encourage or require training on the proper use of AED devices for potential users, including state funding to schools or similar groups for such training.
- Require AED devices to be maintained and tested to manufacturer standards.
- Create a registry of the location of all such defibrillators, or notify a local emergency medical authority.
- Allow a “Good Samaritan” exemption from liability for any individual who renders emergency treatment with a defibrillator.
- Authorize a state agency to establish more detailed requirements for training and registration.

It is important to check state and local laws before adding AEDs to your workplace. Most laws are not onerous and will not deter you from providing the devices. As a starting point, the website for the National Conference of State Legislatures has [an excellent list of state law requirements](#). Examples of states’ requirements include completion of an AED training course, maintenance of the AED devices, regular testing of the devices and battery checks, notifying emergency responders after an AED has been used, proactively notifying local emergency responders of the locations of AEDs, and participating in a registry of AEDs. The general trend seems to be to simplify these laws and make them more employee-friendly.

HOW TO GET STARTED

In addition to the OSHA site, the [American Heart Association](#) and [National Safety Council](#) have information and also develop curriculum for trainers. The American Heart Association and the American Red Cross even evaluates AEDs and facilitate their purchase for workplaces upon request. Many services that sell AEDS provide training and assistance, and trainers are generally available throughout the U.S.

CONCLUSION AND TAKEAWAYS

To recap, the rules you should follow to minimize workplace liability are:

- Follow applicable state and local laws.
- Follow the guidelines and curriculum of the American Heart Association.
- Even if your state has not passed a law requiring certain maintenance or testing, follow the manufacturer's guidance.
- Offer CPR and AED training to any interested employee.

If an employee saves a coworker's life with a company-provided AED, that is an enormous liability avoided – not only have you helped to spare a human life, but you have also avoided a hit to morale, a possible workers' compensation claim, harm to your company's reputation, and potential legal liability. The cost-benefit analysis clearly cuts in favor of AEDs in most workplaces, which is why you should start investigating the process of obtaining the devices for your workplace immediately.

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