MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Paden

To: Education;
Appropriations

HOUSE BILL NO. 709

AN ACT TO REQUIRE EACH SCHOOL IN EVERY SCHOOL DISTRICT AND PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTION TO HAVE AN AUTOMATED EXTERNAL DEFIBRILLATOR (AED) IN EACH EDUCATIONAL BUILDING, CENTRAL ADMINISTRATIVE OFFICE AND CAFETERIA, STORED IN A SECURE AND EASILY ACCESSIBLE LOCATION WITHIN EACH RESPECTIVE BUILDING; TO DEFINE THE TERMS USED IN THIS ACT; TO REQUIRE EACH LOCAL SCHOOL BOARD AND PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTION TO ADOPT AND IMPLEMENT A POLICY REGARDING THE MAINTENANCE, STORAGE, TESTING AND USE OF AEDS; TO PRESCRIBE THE MINIMUM REQUIREMENTS OF THE POLICY; TO AUTHORIZE SUCH SCHOOL DISTRICTS AND INSTITUTIONS TO LEASE AEDS FOR THEIR CAMPUSES; TO REQUIRE THE LEASE TO INCLUDE A SERVICE AND MAINTENANCE AND UPGRADE PROVISION; TO PROVIDE SUCH DISTRICTS AND INSTITUTIONS WITH THE DISCRETION TO PURCHASE AEDS IF FUNDS ARE AVAILABLE TO DO SO; TO REQUIRE A SEPARATE AGREEMENT BE ENTERED INTO FOR THE SERVICE AND MAINTENANCE ON THE AED; TO PROVIDE THAT ONLY LICENSED MEDICAL PROFESSIONALS OR SCHOOL PERSONNEL TRAINED BY LICENSED MEDICAL PROFESSIONALS SHALL BE AUTHORIZED TO USE AN AED FOR PERSONS IN CARDIAC ARREST; TO REQUIRE THE STATE DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE STATE SUPERINTENDENT OF PUBLIC EDUCATION, COMMISSIONER OF HIGHER EDUCATION AND EXECUTIVE DIRECTOR OF THE MISSISSIPPI COMMUNITY COLLEGE BOARD, TO ESTABLISH GUIDELINES FOR THE DEVELOPMENT OF POLICIES BY LOCAL SCHOOL DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO ADOPT RULES REGARDING THE MAINTENANCE, STORAGE, TESTING AND USE OF AEDS IN PUBLIC SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO PROVIDE ANNUAL TRAINING AND INSPECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act, the following terms shall have the meanings ascribed in this section, unless context clearly requires otherwise:

(a) "Automated external defibrillator" or "AED" means a portable electronic device that automatically diagnoses the life-threatening cardiac arrhythmias of ventricular fibrillation (VF) and pulseless ventricular tachycardia, and is able to treat them through defibrillation, the application of electricity which stops the arrhythmia, allowing the heart to reestablish an effective rhythm.

(b) "Licensed medical professional" means a physician, physician assistant, advanced practice nurse, registered nurse or school nurse who is appropriately licensed by the State of Mississippi and is designated by a local school board or institution to oversee the school's CPR instruction, automated external defibrillator (AED) usage and training program.

(c) "Public postsecondary educational institution" means:

(i) A four-year institution of higher learning under the management and control of the Board of Trustees of State Institutions of Higher Learning; and

(ii) A two-year educational institution under the jurisdiction of the Mississippi Community College Board.

(d) "School" means a public elementary or secondary educational facility under the control of a local school board, and all the instructional and subsidiary buildings situated on the same campus, off-campus teaching locations and regional centers under the jurisdiction of the school board.

(e) "School personnel" means an individual who is a faculty or staff member of the local school district.

(f) "Trained designee" means a member of the school personnel trained by a licensed medical professional in the administration of CPR and use of an automated external defibrillator (AED).

SECTION 2. (1) All public school districts and public postsecondary educational institutions shall comply with all provisions of this act. Each postsecondary educational institution and school in every school district shall have, in each educational building, central administrative office and cafeteria, an AED, which is stored in a secure and easily accessible location within each respective building to be used by a licensed medical professional or trained designee for use in the event of an emergency cardiac arrest.

(2) (a) In order to be in compliance with the requirements of subsection (1) of this section, each public school district and public postsecondary educational institution is authorized to lease automated external defibrillators (AEDs). However, in the discretion of the local school board or the president of the public postsecondary educational institution, with approval of the Board of Trustees of State Institutions of Higher Learning, on a case-by-case basis, may opt to purchase instead of leasing the AEDs for facilities under their management and control, as funds are available for such purchases.

(b) If the school district or postsecondary educational institution leases AEDs for its facilities, the lease agreement shall include a provision requiring the supplier of the units to provide regularly scheduled maintenance and system upgrades as determined by the prevailing industry standards for system replacements or upgrades. If the school district or postsecondary educational institution exercises the option to purchase AEDs for its facilities, the school or institution shall enter into an agreement, either with the company from which the units were purchased or a certified medical supply company that specializes in AED service and maintenance, for the regularly scheduled maintenance of its units. Purchasing districts or institutions shall ensure that their units are replaced or upgraded in accordance with the prevailing industry standards for system replacements or upgrades.

SECTION 3. (1) Each postsecondary educational institution and school district shall adopt and implement a policy regarding the maintenance, storage, testing and use of automated external defibrillators (AEDs), on the institution's or school's campus.

(2) The adopted policy must provide:

(a) That licensed medical professionals or school personnel under the guidance of a licensed medical professional who are authorized and trained may administer the use of an AED, when the designee in good faith believes that an individual is

reasonably believed to be experiencing severe cardiac arrest on the school premises;

(b) That licensed medical professionals or school personnel under the guidance of a licensed medical professional who are authorized and trained may administer the use of an AED on a person who is reasonably believed to be experiencing severe cardiac arrest at an off-campus event or while in transit to or from an off-campus event sponsored by the school district;

(c) That the licensed medical professional shall have responsibility for training designees in the proper administration of CPR and use of an AED; and

(d) That a physician, physician assistant, advanced practice nurse, registered nurse or school nurse who is appropriately licensed by the State of Mississippi shall be designated to serve as the licensed medical professional, authorized to:

(i) Establish and administer a standardized training protocol for the emergency administration of CPR and the use of an AED by trained designees; and

(ii) Ensure that trained designees have satisfactorily completed the training protocol.

(3) To become a trained designee, an individual must:

(a) Be eighteen (18) years of age or older;

(b) Have, or reasonably expect to have, responsibility for students and other persons as a result of the individual's occupational or volunteer status; and

(c) Have satisfactorily completed a standardized training protocol established and administered by a licensed medical professional in accordance with guidelines developed by the State Department of Health, in consultation with the State Superintendent of Public Education, Commissioner of Higher Education and Executive Director of the Mississippi Community College Board, in accordance with Section 4 of this act.

SECTION 4. (1) The State Department of Health, in consultation with the State Superintendent of Public Education, Commissioner of Higher Education and Executive Director of the Mississippi Community College Board, shall establish guidelines for the development of a policy by local school districts and postsecondary educational institutions for the administration of CPR and the emergency use of an AED on a student, school personnel or other person in cardiac arrest when a medical professional is not available. The guidelines shall address issues including, but not be limited to, the responsibilities of the school district or postsecondary educational institution, the licensed medical professional and the trained designee for the administration of CPR and use of an AED. The department shall disseminate the guidelines to the superintendent of each public school district

and the president of each public postsecondary educational institution.

(2) The State Department of Education shall provide annual trainings at each public school district and public postsecondary educational institution on CPR instruction, automated external defibrillator (AED) usage and training consistent with the policy adopted by the school district or institution as required by this act that aligns to the standard of training provided by the licensed medical professional in accordance with guidelines developed by the department, in consultation with the State Superintendent of Public Education, Commissioner of Higher Education and Executive Director of the Mississippi Community College Board. Additionally, the department shall be authorized to make an inspection of campus AEDs, at least twice annually, to ensure proper functioning capability and to determine the need for replacing or upgrading.

SECTION 5. (1) The State Department of Health shall adopt rules regarding the maintenance, storage, testing and use of AEDs in public schools and public postsecondary educational institutions subject to a policy adopted under Section 3 of this act. The rules must establish:

(a) The number of AEDs available at each school;

(b) The process to be used by each school district to check the inventory and to conduct tests of AEDs at regular intervals; and

(c) The amount of training required for personnel or volunteers to administer CPR or use an AED.

(2) No licensed medical professional, trained designee, or physician providing a prescription under a standing protocol for in accordance with this act, shall be held liable for any good faith act or omission committed in accordance with the provisions of this act. Good faith shall not include willful misconduct, gross negligence or recklessness.

SECTION 6. Nothing in this act shall be construed to:

(a) Permit a trained designee to perform the duties or fill the position of a licensed medical professional;

(b) Prohibit the administration of CPR or use of an AED; or

(c) Prevent a licensed and qualified member of a health care profession from administering CPR or using an AED if the duties are consistent with the accepted standards of the member's profession.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.