

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 176
FINAL READING

Introduced by Jensen, 20

Read first time January 7, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to emergency medical services; to amend section
2 71-51,102, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to automated external
4 defibrillator use; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-51,102, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 71-51,102. (1) For purposes of this section:

4 (a) Automated external defibrillator means a device that:

5 (i) Is capable of recognizing the presence or absence of
6 ventricular fibrillation or rapid ventricular tachycardia and is
7 capable of determining, without intervention of an operator,
8 whether defibrillation should be performed; and

9 (ii) Automatically charges and requests delivery of an
10 electrical impulse to an individual's heart when it has identified
11 a condition for which defibrillation should be performed;

12 (b) Emergency medical service means an emergency medical
13 service as defined in section 71-5175;

14 (c) Health care facility means a health care facility as
15 defined in section 71-413;

16 (d) Health care practitioner facility means a health care
17 practitioner facility as defined in section 71-414; and

18 (e) Health care professional means any person who is
19 licensed, certified, or registered by the Department of Health and
20 Human Services Regulation and Licensure and who is authorized
21 within his or her scope of practice to use an automated external
22 defibrillator.

23 (2) ~~No person other than a health care professional shall~~
24 ~~use an automated external defibrillator for emergency care or~~
25 ~~treatment unless:~~

26 (a) ~~The user of the defibrillator has received~~
27 ~~appropriate training in the use of the defibrillator as established~~
28 ~~by the Department of Health and Human Services Regulation and~~

1 ~~Licensure, and~~

2 **~~(b) The defibrillator is maintained and tested according~~**
 3 **~~to the manufacturer's guidelines.~~**

4 **~~(3)~~** Except for the action or omission of a health care
 5 professional acting in such capacity or in a health care facility,
 6 no person who delivers emergency care or treatment using an
 7 automated external defibrillator ~~as prescribed in subsection (2) of~~
 8 ~~this section~~ shall be liable in any civil action to respond in
 9 damages as a result of his or her acts of commission or omission
 10 arising out of and in the course of rendering such care or
 11 treatment in good faith. Nothing in this subsection shall be
 12 ~~deemed construed~~ to (a) grant immunity for any willful, wanton, or
 13 grossly negligent acts of commission or omission or (b) limit the
 14 immunity provisions for certain health care professionals as
 15 provided in section 71-5194.

16 **~~(4) Any~~ (3) A person ~~who acquires~~ acquiring** an automated
 17 external defibrillator shall notify the local emergency medical
 18 service of the existence, location, and type of the defibrillator
 19 and of any change in the location of such defibrillator unless the
 20 defibrillator was acquired for use in a private residence, a health
 21 care facility, or a health care practitioner facility.

22 Sec. 2. Original section 71-51,102, Reissue Revised
 23 Statutes of Nebraska, is repealed.