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State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: March 28, 2017

SUBJECT: COMAR 13A.05.10.01-.03
Automated External Defibrillator Program in High Schools
ADOPTION

PURPOSE:

The purpose of this item is to request adoption of the proposed amendments to Code of Maryland Regulations 13A.05.10.01-.03, *Automated External Defibrillator (AED) Program in High Schools* Authority: Education Article, §7-425 and 13-517, Annotated Code of Maryland.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Joint Committee on Administrative, Executive, and Legislative Review (AELR) for a 15-day review period. If the AELR does not retain the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The proposed amendments to COMAR 13A.05.10.01-.03 expand the requirements of the AED Program mandated by Education Article, §7-425, Annotated Code of Maryland, to be implemented by each county board in each high school and middle school in the county.

The proposed updated regulation would: (1) increase the health and safety of students in public high and middle schools during school-sponsored athletic events; (2) allow for the provision of one individual trained in the operation and use of an AED present at each school-sponsored athletic event; and (3) provide one individual trained in the operation and use of an AED on-site at each high school and middle school during the regular school day. The current regulations are in alignment with the AED mandates and standards under the Maryland Institute for Emergency Medical Service Systems (MIEMSS). The Maryland State Department of Education worked collaboratively with MIEMSS staff and legal counsel to review and provide accurate, updated information for the current revisions to the MSDE AED regulations.

The regulation to implement AED programs in high schools has been in effect since April 21, 2008. On October 25, 2016, the State Board granted permission to adopt the proposed amendments.

On January 20, 2017 the proposed regulation changes were published in the Maryland Register (Attachment I). No comments were received.

EXECUTIVE SUMMARY:

This change defines an “authorized site” as a public high school or middle school and meets the requirements of the Emergency Medical Services (EMS) Board, under Education Article, §13-517, Annotated Code of Maryland and COMAR 30.06.01—30.06.05, for providing automated external defibrillation.

The implementation of the AED program in high school and middle school provides for increased safety during school-sponsored athletic events and during the regular school day. Many local school systems have also extended the implementation of the AED program to the elementary school level.

ACTION:

Request permission to adopt the amendments to COMAR 13A.05.10.01-.03, *Automated External Defibrillator Program in High Schools*.

Attachment

- (2) Lawful status; and
- (3) Valid SSN verified through the SSA or proof of ineligibility for a SSN, if not on file.

.07 [Unresolved Non-Match] 45 Day Temporary License or Identification Card.

- A. (text unchanged)
- B. In the event of a SSN non-match with the [Social Security Administration] SSA, the Administration shall issue a 45 day noncompliant license or 45 day identification card only if the Administration has reasonable grounds to determine that the applicant otherwise meets all eligibility requirements for a license or identification card, with the exception of the SSN non-match, as provided for under Transportation Article, §§16-121(c) and 16-122, Annotated Code of Maryland.
- C. In the event of any other non-match as provided for under Transportation Article, §§16-121(c), and 16-122, the Administration shall issue a 45 day noncompliant license or 45 day identification card only if the Administration has reasonable grounds to determine that the applicant otherwise meets all eligibility requirements as set forth in Regulation .03 of this chapter for, and a license or identification card but for the non-match, as provided for under Transportation Article, §§16-121(c) and 16-122, Annotated Code of Maryland.
- D. In the event of an applicant is unable to pass a required vision test, the Administration may issue a 45 day temporary license if at the time of testing:
 - (1) The applicant has a valid un-expired Maryland Driver's License; and
 - (2) The Administration has reason to believe the applicant is not a safety hazard.
- E. In any other circumstance approved by the Administrator, the Administration may issue a 45 day temporary license or identification card.

CHRISTINE NIZER
Administrator

Title 13A
STATE BOARD OF
EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL
PROGRAMS

13A.05.10 Automated External Defibrillator
Program in Middle Schools and High Schools

Authority: Education Article, §§7-425 and 13-517, Annotated Code of Maryland

Notice of Proposed Action
[17-022-P]

The Maryland State Board of Education proposes to amend Regulations .01—.03 under COMAR 13A.05.10 Automated External Defibrillator Program in High Schools. This action was considered by the State Board of Education at their meeting on October 25, 2016.

Statement of Purpose

The purpose of this action is to: (1) expand the requirements of the Automated External Defibrillator (AED) Program mandated by Education Article, §7-425, Annotated Code of Maryland, to be

implemented by each county board in each high school and middle school in the county; (2) remove “Public safety answering point (PSAP)” and “Sponsoring physician” from the list of defined terms; and (3) amend the reporting requirements necessary when an Automated External Defibrillator is used.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Automated External Defibrillators (AEDs) are readily available from a number of manufacturers and the cost ranges from \$1,500 to \$3,000 each. Electrodes and batteries must be replaced periodically based on manufacturer’s suggested shelf life. The pads must be replaced after each use and cost from \$50 to \$150. Additionally, the cost of biennial training for school staff in cardiopulmonary resuscitation (CPR), including operation of the AED, may range from \$25 to \$70 per person.

The current mandate for AED Program in Maryland public schools requires local school systems (LSS) to develop and implement the program in high schools and middle schools. The mandate includes the provision for an individual to be trained in the operation and use of an AED to be present at all school-sponsored athletic events. The Maryland Public Access AED Regulations – Code of Maryland Regulations (COMAR) 30.06.01.05 under the Maryland Institute for Emergency Management Services Systems (MIEMSS) strongly encourages facilities with frequent visitors under the age of eight years old to include pediatric electrodes (chest pads) in their equipment kits along with adult electrodes.

| II. Types of Economic Impact. | Revenue (R+/R-) | |
|---|-------------------------|--------------|
| | Expenditure (E+/E-) | Magnitude |
| A. On issuing agency: | NONE | |
| B. On other State agencies: | NONE | |
| C. On local governments: | (E+) | Small Impact |
| | Benefit (+) Cost (-) | Magnitude |
| D. On regulated industries or trade groups: | NONE | |
| E. On other industries or trade groups: | (+) | Unknown |
| F. Direct and indirect effects on public: | (+) | Unknown |

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The regulations have no economic impact on the issuing agency as the mandate requires each county board to develop and implement and AED program that meets the requirements of the statute. Thus, the economic impact is funded by the local county boards of education (local school systems).

C. Operational expenses will increase to local schools in order to maintain health and safety in the school setting or during school sponsored events/activities. This increase is the result of revisions to Maryland law, which now require middle schools, in addition to high schools, to purchase and maintain AEDs as part of the AED Program in Maryland schools. This amendment aligns the regulation with

current law. The estimated cost is \$1,500 to \$3,000 per middle school for each AED, along with additional pads, related equipment, and the cost of staff training.

E. Positive benefit as there may be a small increase in AED equipment sales.

F. The benefit of having an AED in schools outweighs the cost/fiscal impact as this provides for a safer environment and assists in saving lives should a cardiopulmonary event occur on school grounds or during school sponsored activities.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

There may be a positive economic impact on small businesses involved in the sale of AED equipment.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Alicia Mezu, Health Services Specialist, Student Services and Strategic Planning Branch, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0353 (TTY 410-333-6442), or email to alicia.mezu@maryland.gov, or fax to 410-333-8148. Comments will be accepted through February 21, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on March 28, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Scope.

This chapter establishes the requirements of the Automated External Defibrillator Program mandated by Education Article, §7-425, Annotated Code of Maryland, for implementation by each county board for each high school *and middle school* in the county.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) “Authorized site” means a public high school *or middle school* that meets the requirements of the Emergency Medical Services (EMS) Board, under Education Article, §13-517, Annotated Code of Maryland, and COMAR 30.06.01—30.06.05, for providing automated external defibrillation.

(2) “Automated external defibrillator (AED)” means a medical heart monitor and defibrillator device that:

- (a) Is [approved] *cleared* for market by the federal Food and Drug Administration;
- (b) (text unchanged)
- (c) Determines, without intervention by the operator, whether defibrillation should be performed; [and]
- (d) On determining that defibrillation should be performed, automatically charges [and either:]; *and*
 - (i) Automatically continues with delivery of the electrical impulse; or
 - (ii) Requires operator intervention to deliver the electrical impulse.]

(e) *Requires operator intervention to deliver the electrical impulse or automatically continues with the delivery of an electrical impulse without operator intervention.*

- (3) — (5) (text unchanged)

(6) “On-site” means on the grounds of a public high school *or middle school*.

[(7) “Public safety answering point (PSAP)” has the meaning stated in Public Safety Article, §1-301(q), Annotated Code of Maryland.]

[(8)] (7) “School-sponsored athletic event” means an interscholastic or intramural sporting event that takes place on-site at a public high school *or middle school*, including practices and scrimmages.

[(9) “Sponsoring physician” means a physician who:

- (a) Is licensed to practice medicine under Health Occupations Article, Title 14, Annotated Code of Maryland;
- (b) Provides medical oversight to an authorized site; and
- (c) Meets qualifications established by the EMS Board.]

.03 Minimum Requirements of the High School *and Middle School* AED Program.

A. Each county board shall develop and implement a High School *and Middle School* AED Program which shall require, at minimum:

- (1) One AED on-site in each public high school *and middle school*, which shall be available for use at each school-sponsored athletic event;
- (2) (text unchanged)
- (3) One individual trained in the operation and use of an AED on-site at each high school *and middle school* during the regular school day.

B. The High School *and Middle School* AED Program shall:

- (1) — (5) (text unchanged)
- [(6) Submit a report for each incident in which an AED is operated or there was an AED response, including any event (code) summary, recording, or tape created by the AED, on the Maryland Facility AED Report Form for Cardiac Arrests to the following:
 - (a) The office of the State EMS Medical Director;
 - (b) The local jurisdictional EMS operational program, if the PSAP is accessed; and
 - (c) The federal Food and Drug Administration, with a copy of the report to the State EMS Medical Director, if the AED fails when operated;]
- (6) *Submit:*

(a) *A report for each incident of suspected cardiac arrest at the facility on the Maryland Facility AED Report Form for Cardiac Arrests, including, when available, any event (code) summary, recording, or tape created by the AED to Maryland Institute for Emergency Medical Services Systems (MIEMSS), and be available for follow up as necessary; and*

(b) *If the AED fails when operated, in addition to submitting the required report to the federal Food and Drug Administration, a copy of the report to MIEMSS.*

- (7) Designate an AED coordinator who:
 - (a) Meets the requirements of COMAR [30.06.02.01B.] 30.06.02.01A, which includes training in cardiopulmonary resuscitation (CPR) and AED operation; and
 - (b) (text unchanged)
- (8) Contact and collaborate with the closest jurisdictional emergency medical services operational program once the High School *and Middle School* AED Program is approved by the EMS Board.

C. Each county board shall inform all persons who are authorized to participate in the High School *and Middle School* AED Program of the immunities available under Education Article, §13-517, Annotated Code of Maryland.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools