

BILL NO. 16-16

ORDINANCE NO. 4.344

AN ORDINANCE ENACTING ARTICLE 4 TO CHAPTER 130 IN THE CITY OF GLADSTONE, MISSOURI'S MUNICIPAL CODE ENTITLED "AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM."

WHEREAS, the City Council believes it is in the public interest to make Automated External Defibrillators ("AEDs") readily available and that the public be trained to properly use AEDs and to activate the pre-hospital emergency medical services system immediately upon using an AED; and

WHEREAS, § 190.092, RSMo, sets standards for the use and maintenance of AEDs by properly qualified lay persons; and

WHEREAS, the City Council desires to establish and adopt provisions for the establishment of an Automated External Defibrillator Program in the City, all as set forth in this ordinance, to further the purpose of § 190.092, RSMo.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

Section 1. A new Article 4 to Chapter 130 is hereby added to Title I of the Code of Ordinances for the City of Gladstone, Missouri to read as follows:

ARTICLE 4. – AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM.

Sec. 1.130.300. Title.

This Article shall be known and may be cited as the "Automated External Defibrillator Program" or "AED Program."

Sec. 1.130.310. Purpose.

It is the purpose of this Article to create the City's Public AED program and establish guidelines for use, training, and data collection, as well as requirements and procedures for implementing and using Automated External Defibrillators (AED's) by qualified laypersons within the City.

Sec. 1.130.320. Definitions.

- (a) *Authorized user* means any person who has met the training standards of this Article, and is authorized to use an AED by the Program Manager in accordance with this Article.
- (b) *Automated external defibrillator* or *AED* means an external defibrillator capable of cardiac rhythm analysis that will charge and, with or without further operator

action, deliver a shock after electronically detecting that a “shockable rhythm” is present.

- (c) *Division Chief* – the Division Chief of the Gladstone Fire and EMS Division, as appointed by the Director of Public Safety of the City of Gladstone.
- (d) *Health care facility* means a hospital, nursing home, physician's office or other fixed location at which medical and health care services are routinely performed.
- (e) *Medical director* means a physician, appointed by the Division Chief, who is trained to operate, maintain, and review usage of AEDs and who develops, implements, and maintains the medical control provisions of this Article and any regulations promulgated pursuant thereto.
- (f) *Program manager* means a person, appointed by the Division Chief, who works with the medical director to oversee the administration of the Public Access Defibrillation (PAD) program at specific sites within Gladstone.
- (g) *Public Access Defibrillation* or *PAD program* means the program to provide and utilize AEDs by rescuers to treat victims of cardiac arrest in public or private places, including first aid providers not associated with the pre-hospital emergency medical services provider for the City, staff of nursing homes not otherwise exempt by this Article, and similar activities.
- (h) *PAD site* means the agency, business, organization, individual, or other entity that sponsors a PAD program and allows placement of an AED on its premises.

Sec. 1.130.330. Exceptions.

The following entities or persons are exempt from the provisions of this Article:

- (a) *Hospitals.* Hospitals licensed by the State of Missouri.
- (b) *Physicians.* Persons licensed by the state of Missouri as a physician pursuant to Chapter 334, RSMo.
- (c) *Nurses.* Persons licensed by the state of Missouri as a nurse pursuant to Chapter 335, RSMo.
- (d) *Mutual Aid Providers.* Persons working for ambulance services, fire departments or other EMS agencies that are called into the City to provide mutual aid to the City’s pre-hospital emergency medical services.
- (e) Persons working for the City’s Fire and Emergency Medical Services Division that are trained and approved by the City to provide pre-hospital emergency medical services.

- (f) Nursing homes that are properly licensed by the State of Missouri.

Sec. 1.130.340. Use of AEDs.

No business, entity, institution, or person shall begin a public access defibrillator program after May 2, 2016, unless the Division Chief certifies the program. Public access defibrillator programs operating on May 2, 2016, may operate for one year from that date without being certified by the Division Chief. Thereafter, the Division Chief must have certified such public access defibrillator program.

Sec. 1.130.350. Division Chief and Program Manager Duties.

- (a) *Adopt regulations.* The Division Chief may adopt regulations, as the City deems necessary, to govern public access defibrillator programs under this Article.
- (b) *Authorized programs.* The Program Manager shall maintain a list of authorized PAD program sites, which he or she will share with the Gladstone Fire and EMS Division.
- (c) *Audit.* Both the Division Chief and the Program Manager shall have the right to audit any use of an AED that is subject to this Article. They may review maintenance and repair records, training records, reports of cardiopulmonary resuscitation or AED use, and any other records necessary to determine compliance with the terms of this Article and any corresponding regulations. An audit may also include gathering clinical data and information from the person who used the AED, and from the AED itself.
- (d) *Delegation.* The Division Chief may delegate duties to appropriate personnel, including the medical director or other persons or entities determined by the Division Chief to be qualified to oversee the operations of PAD programs.
- (e) *Certification and Re-Certification of PAD Programs.* The Division Chief shall review applications of PAD Programs and certify only those programs that establish conformance with the PAD Program Duties, defined by this Article and any adopted regulations. Such certification shall be effective for twelve months following such certification, unless it is revoked as a result of an audit by the Division Chief or Program Manager, which determines that the PAD Program has failed to comply with the PAD Program Duties outlined in this Article. Each PAD Program must apply and be re-certified every twelve months under this Article.

Sec. 1.130.360. PAD Program Duties.

- (a) *Training.* Any person, business, entity, or institution acquiring an AED shall authorize the use of the AED only by persons who have received training by the American Heart Association or American Red Cross, or an equivalent nationally recognized course approved by the medical director, which includes training in the identification of cardiac arrest, administration of cardiopulmonary resuscitation, and the use of AEDs.

- (b) *Maintenance and testing.* Any person, business, entity, or institution acquiring an AED shall maintain and test the unit according to the manufacturer's operational guidelines, and maintain records of the same. Records of maintenance and testing shall be made available to the Division Chief and/or Program Manager upon request.
- (c) *Notification of use of the AED.* Any person who renders emergency care or treatment outside of a health care facility or EMS system by using an AED must notify the EMS system through proper use of the 9-1-1 system or other means, to seek pre-hospital emergency medical services, as soon as possible.
- (d) *Medical control.* Any person, business, entity, or institution acquiring an AED for use outside a health care facility shall have an authorized physician: (1) provide the medical protocol for the use of the device; (2) review and advise regarding the training and skill maintenance of authorized users; and (3) review situations where the AED is used to render emergency care. Such protocols will be made available to the Division Chief upon request. The City's medical director may be utilized to satisfy requirements of this subsection.
- (e) *Cooperation with the Division Chief.* A person, business, entity, or institution acquiring an AED and any user of an AED shall fully cooperate with the Division Chief in any audit or other quality assurance review, including the retrieval of clinical data from the device itself, by the Division Chief or Program Manager.
- (f) *List of authorized users.* A PAD program shall maintain a list of the authorized users, which shall also reflect the users' training and qualifications. This list shall subject to audit by the Division Chief.

Sec. 1.130.370. Violations. It is unlawful for one who owns, controls, and/or uses or attempts to use an AED Device to:

- (a) Fail to cooperate with the Division Chief in the investigation, audit, or other review of the use of an AED; or
- (b) Fail to make the AED available to the Division Chief for the recovery of data; or
- (c) In the case of one who owns or controls an AED, to fail to properly maintain and test an AED made available for use; or
- (d) Fail to relinquish control of patient care to appropriately licensed members of the pre-hospital emergency medical services system upon their arrival.

Sec. 1.130.390. Severability.

Should any portion of this Article be held invalid or unenforceable, the remaining provisions of this Article shall remain in effect.

Section 2. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 28TH DAY OF MARCH, 2016.



Mayor Bill Garnos

ATTEST:




Ruth E. Bocchino, City Clerk

First Reading: March 28, 2016

Second Reading: March 28, 2016

Memo

To: Kirk L. Davis, City Manager

From: Chief Michael J. Hasty, Director of Public Safety 

CC: Scott Wingerson, Assistant City Manager
Deputy Chief Robert M. Baer, Police Field Services Division Commander
Captain Jeffrey R. Self, Investigations Division Commander
Division Chief Sean Daugherty, Fire/EMS Division Commander
Sergeant Robert Hays, Acting Support Services Division Commander
Ruth Bocchino, City Clerk

Date: March 24, 2016

Re: MARCH 28, 2016 - CITY COUNCIL MEETING AGENDA ITEMS

Two items appear on the Monday, March 28, 2016 City Council Meeting Agenda that were presented to the City Council at their Study Session on Monday, March 14, 2016. The City Council heard a presentation on Patient Safety Organizations and the recommendation from the Public Safety Department to enter into an agreement with the Missouri Center for Patient Safety (MOCPS) to provide them with data concerning mistakes and errors in patient care in the operation of the department's ambulance service. A resolution authorizing you to sign an agreement with the MOCPS will appear on the Monday, March 28, 2016 City Council Meeting Agenda.

At the same Study Session, the City Council heard an update on the HEARTSafe Community program from Paramedic/Firefighter Patrick Farrens. The presentation included a recommendation the city adopt an ordinance requiring the registration of Automatic External Defibrillators (AEDs) through the Mid America Regional Council (MARC). An ordinance regarding registration of AEDs will also appear on the City Council Agenda on Monday, March 28, 2016.