

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Protect Residents of Assisted Living Facilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1833 is enacted to read:

§ 1833. Orders not to resuscitate

A nursing facility shall establish a process for quickly determining in the event of a medical emergency whether an individual residing in the facility has made a health care decision that includes an order not to resuscitate. For purposes of this section, "health care decision" has the same meaning as in Title 18-C, section 5-802, subsection 6.

The department shall adopt rules necessary to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §2150-C, as repealed and replaced by PL 2007, c. 267, §2, is amended to read:

§ 2150-C. Automated external defibrillators; immunity from civil liability; requirements

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automated external defibrillator" or "AED" means a medical device that combines a heart monitor and a defibrillator approved by the United States Food and Drug Administration that:

- (1) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;
- (2) Is capable of determining, without intervention by an operator, whether defibrillation should be performed on an individual; and
- (3) Upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

A-1. "Activities of daily living" has the same meaning as in section 7852, subsection 1.

C. "Extended care facility" means a nursing facility licensed under chapter 405 or an assisted living facility or residential care facility licensed under chapter 1663 or 1664 that provides services to an individual who requires assistance with activities of daily living.

D. "Lifesaving procedures" means the use of an automated external defibrillator or the performance of cardiopulmonary resuscitation for a suspected sudden cardiac arrest emergency.

6. Immunity. The following persons and entities are immune from civil liability for damages relating to the use, possession or purchase of an AED and arising out of acts or omissions relating to preparing for and responding to suspected sudden cardiac arrest emergencies absent gross negligence or willful or wanton misconduct:

- A. Any person or entity that acquires an AED;
- B. Any person or entity that owns, manages or is otherwise responsible for the premises on which an AED is located;
- C. Any person who retrieves an AED in response to a perceived sudden cardiac arrest emergency;
- D. Any person who uses, attempts to use or fails to use an AED in response to a perceived sudden cardiac arrest emergency;
- E. Any physician or other authorized person who issues a prescription for the purchase of an AED;
- F. Any person or entity that is involved with the design, management or operation of an AED program; and
- G. Any person or entity that provides instruction in the use of an AED.

7. Requirements for extended care facility. An extended care facility shall comply with the following requirements.

- A. An extended care facility shall have on its premises an AED and any equipment necessary to perform cardiopulmonary resuscitation.
- B. An extended care facility shall provide to every employee training on using an AED and performing cardiopulmonary resuscitation.
- C. An employee of an extended care facility shall perform lifesaving procedures on any individual residing in the extended care facility who the employee reasonably suspects is suffering a sudden cardiac arrest emergency unless that individual has made a health care decision that includes an order not to resuscitate. For purposes of this section, "health care decision" has the same meaning as in Title 18-C, section 5-802, subsection 6.
- D. Except as provided in paragraph C, an extended care facility may not prohibit an employee from performing lifesaving procedures on any individual residing in the extended care facility who the employee reasonably suspects is suffering a sudden cardiac arrest emergency when the employee has received the training required in paragraph B.

8. Rules. The department may adopt rules necessary to implement subsection 7. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §7808 is enacted to read:

§ 7808. Orders not to resuscitate

A facility licensed under this chapter that provides services to an individual who requires assistance with activities of daily living shall establish a process for quickly determining in the event of a medical emergency whether an individual residing in the facility has made a health care decision that includes an order not to resuscitate. For purposes of this section, "activities of daily living" has the same meaning as in section 7852, subsection 1 and "health care decision" has the same meaning as in Title 18-C, section 5-802, subsection 6.

The department shall adopt rules necessary to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 22 MRSA §7864 is enacted to read:

§ 7864. Orders not to resuscitate

A facility licensed under this chapter that provides services to an individual who requires assistance with activities of daily living shall establish a process for quickly determining in the event of a medical emergency whether an individual residing in the facility has made a health care decision that includes an order not to resuscitate. For purposes of this section, "health care decision" has the same meaning as in Title 18-C, section 5-802, subsection 6.

The department shall adopt rules necessary to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill requires nursing facilities and assisted living and residential care facilities that provide services to a person who requires assistance with activities of daily living to perform cardiopulmonary resuscitation or use an automated external defibrillator in the event of a suspected sudden cardiac arrest unless the person has made a health care decision that includes an order not to resuscitate. It requires those facilities to store the necessary equipment to perform cardiopulmonary resuscitation or use an automated external defibrillator. It requires those facilities to provide training to their employees on how to perform cardiopulmonary resuscitation and use an automated external defibrillator. The bill also directs those facilities to establish a process for quickly determining in the event of a medical emergency whether an individual residing in the facility has made a health care decision that includes an order not to resuscitate.