Guest column: Lifesaving device brings up legal issue

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Automated external defibrillators, or AEDs, seem to be showing up in more and more places. Many business owners who are considering the purchase of an AED unit ask themselves, "Am I liable for any incidents related to an AED being used at my business?"

The short answer is most likely no.

An AED is a device used to treat a person in cardiac arrest whose heart is beating irregularly (fibrillating). If the heart does not return to a regular rhythm within five to seven minutes, this fibrillation can be fatal. To stop the fibrillation, an AED is used to administer an external electric shock through the chest wall to the heart using conductive adhesive pads.

Built-in computers analyze the patient's heart rhythm and interpret the rhythms that require defibrillation shocks. Audible and/or visual prompts guide the user through the process. Most AEDs require an operator to initiate the delivery of the shock in some way, such as by pushing a button.

"We are dedicated to the health and welfare of our employees and wanted to have an AED on site in case of an emergency," said Gary Lofquist, chief executive officer of MCL Industries in Pulaski.

"However, as part of our decision-making process related to the purchase of an AED unit, we contacted our attorney to make sure we weren't opening ourselves up to any additional liability."

With respect to issues of potential liability for businesses and organizations who make AED units available, as well as to the individuals who administer aid with an AED, Wisconsin law provides some liability protection, said Attorney David Timm of Metzler, Timm, Treleven and Hermes, S.C.

"Generally, as long as the required notice is provided to the nearest emergency medical services program regarding installation of the unit, and the unit is properly maintained and tested, the business or organization that provides the AED unit will be immune from liability relating to its use," said Timm.

"Employees or other individuals who use the AED to render assistance are also generally immune from liability if they provide assistance in good faith and if they have been properly trained in the use of the AED unit."

The fact that AED units are being installed in more public places and private businesses does not mean that any member of the public witnessing a sudden cardiac arrest should attempt to use the device. AEDs are to be used only by individuals with the proper training and certification in accordance with state law.

AED training is typically provided in conjunction with traditional CPR training. Locally, CPR and AED classes are available through Northeast Wisconsin Technical College, Bellin Health Systems, the American Red Cross, and Aurora BayCare Medical Center. The classes generally run from two to eight hours and can range in cost from $15 to $50.

"We already had an established relationship with Bellin Health, so once we purchased the AED, we were able to get someone to come to our facility and provide the necessary training to our employees on-site," Lofquist said. "I'm confident that if the AED needs to be used, it will be done so effectively."