

A heart-smart strategy: The legal ABCs of AEDs

The American Heart Association estimates there will be 350,000 sudden cardiac arrests this year, but automated external defibrillators (AEDs) could save 50,000 lives.

While some local laws require AEDs in certain settings—including health clubs and schools—employers are mostly left to do as they please, as relatively few legal requirements exist for employers.

OSHA strongly encourages AEDs but does not require them in the workplace. And although numerous states are considering bills, there has been little formalized to date.

So the two main questions for employers are: (1) Do the benefits of having AEDs in the office outweigh any legal exposure they might bring? (2) What are the legal requirements if one chooses to provide them in the workplace?

OSHA's first-aid requirements. OSHA rules require workplaces with high potential of serious accidents (such as falls, suffocation, electrocution or amputation) to make emergency medical services available within three to four minutes if there is no employee on the site trained to render first aid. In workplaces such as offices where such serious injuries are less likely, a longer response time of up to 15 minutes may be reasonable.

Under OSHA standards, "first aid" explicitly includes CPR training but does not mention AEDs. Beginning with a 2004 Interpretation Letter, however, OSHA includes AEDs and training as a "best practice" for employers.

State law considerations. Certain states have "Good Samaritan Laws" that limit legal exposure to individuals who attempt to perform first aid on injured persons, including the use of an AED.

While most of these laws are strong, many states impose additional limitations on the rule, or require training, maintenance, registration and other requirements for using AEDs in order to qualify for Good Samaritan protections.

It is important to check state and local laws before adding AEDs to your workplace. Most laws are not onerous and won't deter you from providing the devices. (Find state AED laws at www.tinyurl.com/AEDlaws.)

Conclusion. To minimize workplace liability, you should:

- Follow applicable state and local laws and the American Heart Association guidelines.
- Follow manufacturer's guidance on maintenance and testing, even if your state law doesn't require it.
- Offer CPR and AED training to any interested employee.

The cost-benefit analysis clearly favors AEDs in most workplaces.

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