

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 26:2K-39

(First Aid--
defibrillation--permit
certain persons to
perform)

LAWS OF: 1989

CHAPTER: 314

Bill No: S3785

Sponsor(s): Zimmer

Date Introduced: August 14, 1989

Committee: Assembly: -----

Senate: Institutions, Health & Welfare

Amended during passage: No

Date of Passage: Assembly: January 8, 1990

Senate: December 11, 1989

Date of Approval: January 12, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

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P.L.1989, CHAPTER 314, approved January 12, 1990
1989 Senate No. 3785

1 AN ACT providing for the certification of EMT-D's and
2 supplementing Title 26 of the Revised Statutes.

3

4 BE IT ENACTED by the Senate and General Assembly of the
5 State of New Jersey:

6 1. As used in this act:

7 "Commissioner" means the Commissioner of the Department
8 of Health.

9 "Emergency medical service" means a program in a hospital
10 staffed 24 hours-a-day by a licensed physician trained in
11 emergency medicine.

12 "Emergency medical technician" means a person trained in
13 basic life support services as defined in section 1 of P.L.1985,
14 c.351 (C.26:2K-21) and who is certified by the Department of
15 Health to perform these services.

16 "EMT-D" means an emergency medical technician who is
17 certified by the commissioner to perform cardiac defibrillation.

18 "Pre-hospital care" means those emergency medical services
19 rendered to emergency patients at the scene of a traffic accident
20 or other emergency and during transportation to emergency
21 treatment facilities, and upon arrival within those facilities.

22 2. a. An emergency medical technician who has been certified
23 by the commissioner as an EMT-D may perform cardiac
24 defibrillation, with or without the assistance of another EMT-D,
25 according to rules and regulations adopted by the commissioner.

26 b. The commissioner shall establish written standards and
27 application procedures which an emergency medical technician
28 shall meet in order to obtain certification as an EMT-D. The
29 commissioner shall certify a candidate who provides evidence of
30 satisfactory completion of an educational program which
31 includestraining in the performance of cardiac defibrillation and
32 which is approved by the commissioner, and who passes an
33 examination in the performance of cardiac defibrillation

1 which is approved by the commissioner.

2 c. The commissioner shall maintain a register of all
3 applications for certification as an EMT-D which shall include,
4 but not be limited to:

5 (1) The name and residence of the applicant;

6 (2) The date of the application;

7 (3) Whether the applicant was rejected or approved and the
8 date of that action.

9 d. The commissioner shall annually compile a list of certified
10 EMT-D's which shall be available to the public.

11 e. A fee may be charged to a person who is enrolled in an
12 educational program approved by the Department of Health
13 which includes training in the performance of cardiac
14 defibrillation, to cover the costs of training and testing for
15 certification as an EMT-D.

16 3. The commissioner, after notice and hearing, may revoke the
17 certification of an EMT-D for violation of any provisions of this
18 act or of any rule or regulation adopted pursuant to this act.

19 4. a. A person shall not advertise or disseminate information
20 to the public that the person is an EMT-D unless the person is
21 authorized to do so pursuant to this act.

22 b. A person shall not impersonate or refer to himself as an
23 EMT-D unless he is certified pursuant to section 2 of this act.

24 5. An EMT-D, EMT-intermediate, licensed physician, hospital
25 or its board of trustees, officers and members of the medical
26 staff, nurses, paramedics or other employees of the hospital, or
27 officers and members of a first aid, ambulance or rescue squad
28 shall not be liable for any civil damages as the result of an act or
29 the omission of an act committed while in training to perform, or
30 in the performance of, cardiac defibrillation in good faith and in
31 accordance with this act.

32 6. A person who violates the provisions of this act is subject to
33 a penalty of \$200 for the first offense and \$500 for each
34 subsequent offense. If the violation of this act is of a continuing
35 nature, each day during which it continues shall constitute a
36 separate offense for the purposes of this section. The penalty
37 shall be collected and enforced by summary proceedings under
38 "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.).

39 7. The commissioner shall adopt such rules and regulations in

1 accordance with the "Administrative Procedure Act," P.L.1968,
2 c.410 (C.52:14B-1 et seq.) as he deems necessary to
3 effectuate the purposes of this act.

4 8. Nothing in this act shall be construed to permit an EMT-D
5 to perform the duties or fill the position of another health
6 professional employed by a hospital, except that the EMT-D may
7 perform those functions that are necessary to assure the orderly
8 transfer of a traffic accident victim or other emergency patient
9 receiving pre-hospital care to hospital staff upon arrival at an
10 emergency department and that are necessary to obtain the
11 clinical training in the performance of cardiac defibrillation
12 required by the department.

13 9. Nothing in this act shall be construed as interfering with an
14 emergency service training program authorized and operated
15 under the provisions of the "New Jersey Highway Traffic Safety
16 Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.).

17 10. Nothing in this act shall be construed to prevent a licensed
18 and qualified member of a health care profession from
19 performing any of the duties of an EMT-D if the duties are
20 consistent with the accepted standards of the member's
21 profession.

22 11. This act shall take effect on the 90th day following
23 enactment.

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STATEMENT

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28 This bill provides for the certification of emergency medical
29 technicians as EMT-D's for the purpose of performing cardiac
30 defibrillation to victims of traffic accidents or other emergency
31 patients, according to rules and regulations adopted by the
32 Commissioner of Health.

33 The bill requires the Commissioner of Health to:

34 (1) establish written standards and application procedures
35 which an emergency medical technician shall meet in order to
36 obtain certification as an EMT-D;

37 (2) certify a candidate who provides satisfactory evidence of
38 completion of an educational program which includes training in
39 the performance of cardiac defibrillation and which is approved

1 by the commissioner, and who passes an examination in the
2 performance of cardiac defibrillation which is approved by the
3 commissioner;

4 (3) maintain a register of all applications for certification as an
5 EMT-D; and

6 (4) annually compile a list of certified EMT-D's which shall be
7 available to the public.

8 The bill provides that a fee may be charged to a person who is
9 enrolled in an educational program approved by the Department
10 of Health which includes training in the performance of cardiac
11 defibrillation, to cover the costs of training and testing for
12 certification as an EMT-D.

13 This bill is similar to Assembly Bill No. 294 (1R) of 1988
14 (Kamin) and Senate Bill No. 190 (1R) of 1988 (Zimmer). The
15 Assembly bill passed both Houses of the Legislature but was
16 vetoed by the Governor on January 23, 1989. This bill contains
17 technical changes as indicated by the Governor in his veto
18 message and provides for a fee mechanism for the training of
19 EMT-D's which was not included in the previous legislation.

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HEALTH

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Health Care Facilities and Providers

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Permits certain persons to perform defibrillation.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 3785

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 1989

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 3785.

This bill provides for the certification of emergency medical technicians as EMT-D's for the purpose of performing cardiac defibrillation to victims of traffic accidents or other emergency patients, according to rules and regulations adopted by the Commissioner of Health.

The bill requires the Commissioner of Health to:

(1) establish written standards and application procedures which an emergency medical technician shall meet in order to obtain certification as an EMT-D;

(2) certify a candidate who provides satisfactory evidence of completion of an educational program which includes training in the performance of cardiac defibrillation and which is approved by the commissioner, and who passes an examination in the performance of cardiac defibrillation which is approved by the commissioner;

(3) maintain a register of all applications for certification as an EMT-D; and

(4) annually compile a list of certified EMT-D's which shall be available to the public.

The bill provides that a fee may be charged to a person who is enrolled in an educational program approved by the Department of Health which includes training in the performance of cardiac defibrillation, to cover the costs of training and testing for certification as an EMT-D.