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LIABILITY PROTECTION FOR PEOPLE USING DEFIBRILLATORS

The McGuinty government is proposing legislation that would protect people from civil liability when they attempt to save a life using a public automated external defibrillator (AED).

The proposed “*Chase McEachern Act (Heart Defibrillator Civil Liability), 2006*” – based on a private member’s bill put forward by Liberal MPP Bruce Crozier (Essex) – is named after 11-year-old Barrie resident Chase McEachern. After being diagnosed with an irregular heartbeat, and hearing that two professional hockey players also have irregular heart beats like his, Chase decided to start a campaign to make defibrillators mandatory in hockey arenas and schools everywhere.

On February 9, 2006, Chase passed out while jogging warm-up laps in gym class. He was rushed to hospital but efforts to resuscitate him failed. With the death of the young hockey player, the McEachern family created a tribute fund in honour of their son. A donor made a \$100,000 gift to the fund with the condition it be used to put defibrillators in arenas in Grey and Bruce counties.

An AED is a device that analyzes the heart rhythm of a person who has suffered cardiac arrest. It determines if the rhythm requires defibrillation and, if required, prompts the person using the AED to deliver a shock to restart the heart. Most AEDs are compact, easy to use and include visual and voice prompts which guide the user through the operation of the machine.

The proposed legislation would:

- Protect individuals from liability for damages that may occur from their use of an AED to save someone’s life at the immediate scene of an emergency, unless damages are caused by gross negligence.
- Protect health care professionals from liability for damages that may occur from their use of an AED to save someone’s life at the immediate scene of an emergency, unless damages are caused by gross negligence and unless the AED is used in a hospital or other place having appropriate health care facilities and equipment for the purpose of defibrillation.
- Protect owners and occupiers of premises on which an AED is installed from liability for any harm that may occur from the use of the AED, provided that the owner or occupier made the AED available for use in good faith without gross negligence and properly maintained the defibrillator. The protection does not apply where the premise is a hospital or other health care facility.

A number of Ontario communities are already installing AEDs in arenas, libraries, community buildings and other public places. It is hoped that ensuring protection from liability will provide the necessary reassurance and encourage other communities and facilities to install AEDs. The proposed legislation is intended to support public access to AEDs and encourage their use in order to save lives.

The Ontario government is moving forward with its commitment to improve health and safety by installing 250 life-saving portable heart defibrillators in close to 100 provincial government buildings across Ontario.

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