

## AEDs: Asset or Liability?

By Sarah Blanshan, APRN, FNP

It is a regular workday in your place of business, until it suddenly becomes anything but normal. A customer has collapsed from sudden cardiac arrest (SCA). Are you prepared to respond to give them the best shot at life? Or is your business not adequately equipped, and you abruptly find yourself in a precarious state of liability?

Business and property owners or managers are constantly having to prepare for the unexpected, not only to meet the needs of people, but also to reduce liability risk. One situation that is common but not often considered is a SCA event.

### **Incidence**

The statistics regarding SCA are staggering. According to the [Centers for Disease Control and Prevention](#):

Over 356,000 out-of-hospital cardiac arrests (OHCA) in adults and over 7,000 OHCA in children happen every year.

- 70-90% of people affected will die before ever reaching the hospital.

But automated external defibrillators (AEDs) have the potential to change outcomes for countless people.



### **The Good News About AEDs**

AEDs have become more common in public places for valid reasons: research shows early defibrillation is associated with a higher

chance of survival from SCA.

The [American Heart Association](#) (AHA) reports the survival rate is about 90% if a shock from an AED is delivered within the first minute. Every minute that goes by before defibrillation occurs lowers the chance of survival by about 10%.

All 50 states have some sort of law encouraging the presence and use of AEDs in public spaces. Yet AEDs are often unavailable, not used, or not functioning properly, which can become a major liability risk for businesses or public spaces.

### **Protecting Your Business**

While most OHCA occur in the home, 15.1% of events in adults and 12.2% of events in children occur in a public location, according to [The Sudden Cardiac Arrest Foundation](#).

If you are interested in getting an AED for your business to prepare for such emergencies, a good place to start is reviewing your state laws regarding AEDs and AED programs, which vary widely. For state-specific information, reference the websites of [National Conference of State Legislatures](#) or [AED Brands](#) and click on your state.

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Some people are worried about their personal liability when helping someone in distress. They are nervous about doing something wrong or making things worse. However, it is helpful to remember that a person in SCA is already technically dead, as they have no heartbeat and are not breathing.

All states have some sort of Good Samaritan law, which seeks to protect those who come to another's aid in an emergency. These laws also vary quite a bit, but the majority protect untrained people who provide reasonable assistance that are not being compensated for their service from civil liability.

### **Even If You're Not Required to Have an AED, You May Want One.**

Even if an AED is not required by state law in your place of business, some lawsuits have been brought forward under common law or premises liability as noted by [Athea Law](#) and [Gold Law](#). Common law cases may propose that since the benefits of AEDs are now well-established and known to many Americans, it should be presumed that businesses and public spaces should have these devices readily available, especially if the population that typically comes there is at a higher risk of an event.

Premises liability cases may offer that owners are responsible to reduce foreseeable risks at their property, and that the sheer number of OHCA occurring on an annual basis should make it a foreseeable risk that requires an appropriate response, which includes the use of an AED.

### **So You Have an AED. That's Enough, Right?**

Not quite. A survey by the [AHA](#) found that about half of workers have an AED in their workplace, but don't know where it is, which can lead to devastating delays or total failure to respond. [This case](#) from Illinois was sent back for further proceedings after the State Supreme Court found a fitness center was possibly liable for having an AED and not using it despite having trained staff present during an event. In California, a school district recently settled for [\\$9.5 million](#) after it was found staff did not perform compressions or obtain the school's AED after a student collapsed and ultimately died. [Other companies](#) have found themselves in hot water by having an AED that was not working when it was most needed.

### **The Bottom Line**

Reducing liability is a good thing, but the real goal of having a working AED on-site is so lives can be saved. Bob Gutierrez at [this Publix store](#) in Florida and Jimmy Brodkorb at [this restaurant](#) in Minnesota, along with countless others, have been lucky enough to go into SCA at venues that were equipped and ready to handle this unfortunate situation. You can also join the movement. Numerous [resources](#) are available to help you effectively place and maintain AEDs in your place of business or other industry