

1-1 By: Bohac, et al. (Senate Sponsor - Deuell) H.B. No. 392
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Health
1-4 and Human Services; May 11, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 8,
1-6 Nays 0; May 11, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 392 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the availability and use of automated external
1-11 defibrillators in nursing homes and related institutions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter F, Chapter 242, Health and Safety
1-14 Code, is amended by adding Section 242.159 to read as follows:

1-15 Sec. 242.159. AUTOMATED EXTERNAL DEFIBRILLATORS. (a) An
1-16 institution shall have available for use at the institution an
1-17 automated external defibrillator, as defined by Section 779.001,
1-18 and shall comply with the training, use, and notification
1-19 requirements of Chapter 779.

1-20 (b) An institution that does not have funds available for
1-21 purposes of Subsection (a) may solicit gifts, grants, or donations
1-22 to purchase or maintain an automated external defibrillator for use
1-23 at the institution.

1-24 (c) An institution may not use an automated external
1-25 defibrillator to treat a resident of the institution who has issued
1-26 or executed an out-of-hospital do-not-resuscitate order under
1-27 Subchapter C, Chapter 166.

1-28 (d) Notwithstanding Section 74.151(b), Civil Practice and
1-29 Remedies Code, Section 74.151(a), Civil Practice and Remedies Code,
1-30 applies to administration of emergency care using an automated
1-31 external defibrillator by an employee or volunteer at an
1-32 institution.

1-33 (e) An institution shall employ at least one person who is
1-34 trained in the proper use of an automated external defibrillator.

1-35 (e-1) An institution is not required to comply with
1-36 Subsections (a) and (e) until September 1, 2012. This subsection
1-37 expires January 1, 2013.

1-38 SECTION 2. This Act takes effect September 1, 2009.

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