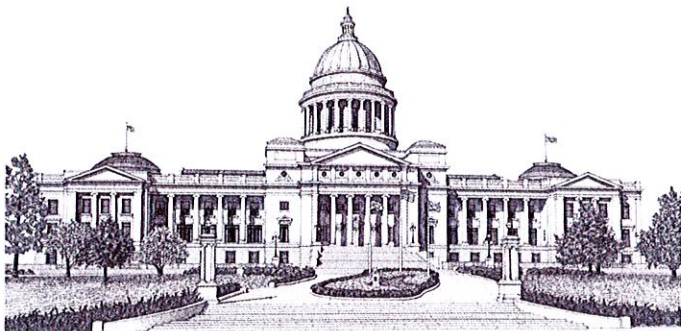


ARKANSAS REGISTER



Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**

Secretary of State
Mark Martin
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Education

Department Division of Elementary and Secondary Education

Contact Lori Freno E-mail lori.freno@ade.arkansas.gov Phone 501-682-4234

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 6-10-122 and 6-10-123

Rule Title: DESE Rules Governing School-Based Automated External Defibrillator (AED) Devices and Cardiopulmonary Resuscitation (CPR) Programs in Arkansas Public Schools

Intended Effective Date (Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

1/23, 24, 25/2022

2/24/22

5/20/22

4/15/22

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Lori Freno lori.freno@ade.arkansas.gov

Contact Person

E-mail Address

5/20/22

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)



Signature

501-682-4234

lori.freno@ade.arkansas.gov

Phone Number

E-mail Address

General Counsel, Arkansas Department of Education

Title

May 20, 2022

Date

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING SCHOOL-BASED AUTOMATED EXTERNAL DEFIBRILLATOR (AED)
DEVICES AND CARDIOPULMONARY RESUSCITATION (CPR) PROGRAMS IN
ARKANSAS PUBLIC SCHOOLS
Effective: May 31, 2022**

1.0 PURPOSE

The purpose of these Rules is to establish the requirements and procedures for Governing school-based Automated External Defibrillator (AED) devices and Cardiopulmonary Resuscitation (CPR) programs in Arkansas Public Schools.

2.0 REGULATORY AUTHORITY

These Rules are promulgated pursuant to Ark. Code Ann. §§ 6-11-105, 6-10-122, and 6-10-123.

3.0 DEFINITIONS

For the purpose of these Rules, the following terms mean:

3.01 **Arkansas Public Schools:** includes all public and charter schools;

3.02 **AED:** Automated External Defibrillator means a device that:

3.02.1 Is used to administer an electric shock through the chest wall to the heart;

3.02.2 Has built-in computers within the device to assess the patient's heart rhythm and judge whether defibrillation is needed;

3.02.3 Has audible or visual prompts, or both, to guide the user through the process;

3.02.4 Has received approval from the United States Food and Drug Administration of its pre-market modification, filed pursuant to 21 U.S.C. 360(k);

3.02.5 Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia and is capable of determining without intervention by an operator whether defibrillation should be performed; and

3.02.6 Upon determining if the defibrillation should be performed, the AED either automatically charges and delivers an electrical impulse to an

individual's heart or charges and delivers an electrical impulse at the command of the operator.

- 3.03 **CPR/AED Provider:** A member or employee of a campus who has completed training in CPR in addition to knowledge and understanding of an AED's operation and use under the requirements set forth in this regulation.
- 3.04 **Cardiac arrest:** A condition, often sudden, that is due to abnormal heart rhythms called arrhythmias. It is generally the result of some underlying form of heart disease.
- 3.05 **Cardiopulmonary Resuscitation (CPR):** A combination of rescue breathing, chest compressions, and external cardiac massage used to sustain a person's life until advanced assistance arrives.
- 3.07 **Defibrillation:** Administering the electrical impulse to an individual's heart in order to stop ventricular fibrillation or rapid ventricular tachycardia.
- 3.08 **Department:** Arkansas Department of Education
- 3.09 **Emergency Medical Services (EMS):** The transportation and medical care provided the ill or injured prior to arrival at a medical facility by a licensed emergency medical technician or other health care provider and continuation of the initial emergency care within a medical facility subject to the approval of the medical staff and governing board of that facility.
- 3.10 **Extra-curricular event:** Any school sponsored program or voluntary activity sponsored by the school, local education agency, or an organization sanctioned by the local education agency where students are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition or including preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.
- 3.11 **FDA:** Federal Food and Drug Administration
- 3.12 **School-Personnel:** School Board approved/contract employee of the district that is required to follow school policy and procedures.
- 3.13 **Program Coordinator:** An individual, appointed by the school district, who is responsible for administration of the Automated External Defibrillation program for their respective campus.
- 3.14 **Protocol:** Currently approved and accepted procedures describing specific steps a provider must follow in assessing and treating a patient.

- 3.15 **Renewal:** Period training and demonstration of competence in the application and use of automated defibrillation equipment.
- 3.17 **School campus:** Any public school building or cluster of buildings, including grounds, with an ADE-issued LEA number, that is used for any purpose, including, without limitation: an extracurricular activity, organized physical activity course defined in Ark. Code Ann. § 6-16-137, pre-kindergarten education, or district administration.
- 3.18 **School sponsored event;** Any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum whether on school-campus or not.
- 3.19 **Sudden Cardiac Arrest (SCA):** SCA is a sudden or unexpected cessation of heart function, most often caused by a sudden arrhythmia, such as ventricular fibrillation (VF). When this occurs, the heart's electrical impulses suddenly become chaotic and ineffective. Blood flow to the brain abruptly stops and the victim collapses and quickly loses consciousness. Death usually follows unless a normal heart rhythm is restored within minutes.
- 3.20 **Ventricular Fibrillation (VF):** The most common arrhythmia that causes cardiac arrest. It is a condition in which the heart's electrical impulses suddenly become chaotic, often without warning, causing the heart's pumping action to stop abruptly.

4.0 REQUIREMENTS

Each school campus must have an Automated External Defibrillator, and appropriate school personnel must be adequately trained on an ongoing basis as outlined in Section 9.0 of these Rules

5.0 AUTOMATED EXTERNAL DEFIBRILLATOR MODEL

- 5.01 Defibrillators acceptable for use in Arkansas public schools are:
 - 5.01.1 Federal Drug Administration (FDA) approved;
 - 5.01.2 Automated type requiring provider intervention to initiate a defibrillation shock; and
 - 5.01.3 Capable of automatically collecting data.
- 5.02 No modifications will be made to defibrillation equipment, by the provider or the service, which results in:

5.02.1 Deviation from the original manufacturer's specifications, or

5.02.2 Deviation from AED protocols which are: Early access- calling 911; Early CPR - starting CPR immediately; Early Defibrillation - utilizing the onsite AED within 3-5 minutes of onset; and Early Advanced Care - trained health care providers arriving to provide advanced care.

6.0 DEFIBRILLATOR PREVENTATIVE MAINTENANCE/REPAIR

6.01 Each school district shall designate appropriate personnel to be responsible for the maintenance of the AED(s).

6.02 All components of the AED and integrated data recording system shall be inspected by a qualified service technician at least one (1) time per calendar year or as recommended by the manufacturer to ensure:

6.02.1 The equipment meets original manufacturer's specifications;

6.02.2 The equipment maintains the currently approved treatment protocols based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED.

6.03.2 The battery of the AED shall be maintained and replaced in accordance with manufacturer's specifications.

6.03.3 All maintenance and repairs shall be performed by a qualified service technician recognized by the manufacturer.

6.03.4 Written records shall be maintained for all maintenance, repairs, and inspections performed on all components for mandated annual state reporting purposes.

7.0 AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATOR

7.01 Each school shall designate appropriate personnel to be responsible for ensuring the availability of the AED.

7.02 The location of AEDs shall be based on the following:

7.02.1. Size and physical layout of the buildings;

7.02.2 Number and ages of individuals in the building;

7.02.3 Types and locations of curricular, extracurricular, and school-sponsored events;

- 7.02.4 Design features that might be unique to the building; and
- 7.02.5 Each school shall report, in a format approved by the Department, maintenance records and any use of an AED.
- 7.03 During school hours, the AED will be placed at designated locations.
 - 7.03.1 These locations shall be specific to each school but should allow the device to be easily seen and accessed by staff.
 - 7.03.2 The locations should allow staff members to retrieve the device outside of normal school hours.
- 7.04 AEDs shall not be located or stored in a locked office or room.

8.0 SCHOOL APPOINTED PROGRAM COORDINATOR

- 8.01 The school appointed program coordinator shall:
 - 8.01.1 Maintain current provider status in CPR/AED;
 - 8.01.2 Assure that the CPR/AED providers on campus receive appropriate training in the use and maintenance of the school's AED(s);
 - 8.01.3 Oversee training operations for the school and maintain organizational training reports;
 - 8.01.4 Ensure AED equipment is maintained according to manufacturer and treatment protocol specifications based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED;
 - 8.01.4.1 This includes, but is not limited to, ensuring that AED pads and batteries have not expired;
 - 8.01.5 Provide professional development opportunities annually for AED providers and all school employees, if applicable;
 - 8.01.6 Verify credentials of personnel functioning as an AED provider within the school; and
 - 8.01.7 Review each use of the AED.
- 8.02 If the Program Coordinator is not a healthcare provider, a healthcare provider must oversee these activities.

9.0 QUALITY TRAINING

- 9.01 Appropriate training of anticipated rescuers in the use of the AED and in CPR will incorporate at least the following:
 - 9.01.1 Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the AED, as they existed on January 1, 2021; and
 - 9.01.2 Providing CPR as published by the American Heart Association, or the American Red Cross, or equivalent course materials, as they existed on January 1, 2021;
 - 9.01.3 Coordination with the emergency medical services system; and
 - 9.01.4 An ongoing quality improvement program to monitor training and evaluate response with each use of an AED.

10.0 PROFESSIONAL DEVELOPMENT REQUIREMENTS

- 10.01 Automated external defibrillator and cardiopulmonary resuscitation training shall count fully toward the existing professional development requirements for teachers and school personnel as noted in the Arkansas Department of Education Rules Governing Professional Development.

11.0 REPORTING

- 11.01 The Commissioner of Elementary and Secondary Education shall provide a report to the Senate Committee on Public Health, Welfare, and Labor and the House committee on Public Health, Welfare, and Labor on or before July 1-of each year.
- 11.02 Schools shall annually report to the Division of Elementary and Secondary Education the implementation of these Rules and status of AED availability on each school campus by May 1.
- 11.03 An AED Incident Report Form shall be completed and submitted to the School Health Services Director within thirty (30) days following an event. This form shall include relevant information regarding the incidence and use of the AED and the client outcome.