



BERMUDA

PUBLIC HEALTH (AUTOMATIC EXTERNAL DEFIBRILLATORS) REGULATIONS
2006

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The Minister of Health and Family Services, in exercise of the powers conferred by section 163 of the Public Health Act 1949, makes the following Regulations:

Short title

1 These Regulations may be cited as the Public Health (Automatic External Defibrillators) Regulations 2006.

Definitions

2 In these Regulations—

“Act” means the Public Health Act 1949;

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“approved course” means a course of training in adult cardio pulmonary resuscitation and the use of an automatic external defibrillator approved by the Chief Environmental Health Officer;

“automatic external defibrillator” means a medical heart device monitor and defibrillator that—

- (a) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;
- (b) is capable of determining, without intervention by an operator, whether defibrillation should be performed;
- (c) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual’s heart; and
- (d) upon action by the operator, delivers an appropriate electrical impulse to the individual’s heart to perform defibrillation;

“designated user” in relation to an automatic external defibrillator means a person designated under regulation 7;

“operator” in relation to an automatic external defibrillator means a person who acquires such defibrillator.

[Regulation 2 definition "approved course" amended by 2018 : 66 s.2 effective 10 January 2019]

Register of automatic external defibrillators

3 (1) The Chief Environmental Health Officer shall establish and maintain in his office, in such manner as he considers appropriate, a register of automatic external defibrillators.

(2) The register is an official record and the Chief Environmental Health Officer shall keep the register correct in accordance with the provisions of these Regulations and shall make any necessary alterations in the registered particulars.

(3) As soon as may be after 1 January in every year the Chief Environmental Health Officer shall publish in the Gazette a notice in such form as he may determine setting forth the names of operators of automatic external defibrillators and other particulars entered in the register on that date.

[Regulation 3 amended by 2018 : 66 s.2 effective 10 January 2019]

Registration

4 (1) A person who desires to operate an automatic external defibrillator shall make application to the Chief Environmental Health Officer for the registration of the defibrillator.

(2) An application shall be in the form determined by the Chief Environmental Health Officer and shall contain the following information—

- (a) the name of the operator;

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- (b) the names of the designated users;
- (c) the location where the automatic external defibrillator is to be kept;
- (d) the date of purchase, model year, type, manufacturer and local supplier of the automatic external defibrillator.

(3) The Chief Environmental Health Officer shall consider the application as soon as practicable after its receipt and may approve or reject the application.

(4) Where the Chief Environmental Health Officer approves the application to register the automatic external defibrillator, he shall—

- (a) enter in the register the address of the place where the automatic external defibrillator is located or housed, the name of the operator and designated users and such other particulars relating to the automatic external defibrillator as he considers necessary to identify the registered automatic external defibrillator; and
- (b) issue to the applicant a certificate of registration in the form determined by the Chief Environmental Health Officer.

(5) Where the Chief Environmental Health Officer rejects an application, he shall record his decision and the reasons for it in writing and shall, not later than 7 days after making a decision on an application, inform the applicant of the decision and the reasons for it.

(6) An applicant who is aggrieved by a decision of the Chief Environmental Health Officer may appeal against it under regulation 12.

[Regulation 4 amended by 2018 : 66 s.2 effective 10 January 2019]

Duration and fees

5 (1) Registration shall have effect for a period of two years and may be renewed.

(2) An applicant for registration or renewal of registration shall pay such fee as may be prescribed under the Government Fees Act 1965.

Revocation of registration

6 (1) Subject to paragraphs (2), (3) and (4), the Chief Environmental Health Officer may revoke the registration of an automatic external defibrillator if he is satisfied that the operator has failed—

- (a) to maintain the defibrillator in accordance with the guidelines issued by the manufacturer;
- (b) to maintain a training schedule for designated users; or
- (c) to report each clinical use of the defibrillator.

(2) Where the Chief Environmental Health Officer proposes to revoke the registration of an automatic external defibrillator under paragraph (1) he shall—

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- (a) not less than 14 days before the date on which he proposes to do so, in writing, inform the operator of the defibrillator of the proposal and reasons for it;
- (b) give the operator an opportunity to make representations, orally or in writing; and
- (c) take into account any representations made under subparagraph (b) before a decision is made.

(3) Where the Chief Environmental Health Officer decides to revoke the registration, he shall—

- (a) set out the decision in writing and state the reasons for the decision;
- (b) serve a copy of the decision on the operator;
- (c) inform the operator that he may appeal against that decision.

(4) The revocation of registration has effect on the expiration of two months beginning on the date of service of the decision on the operator.

[Regulation 6 amended by 2018 : 66 s.2 effective 10 January 2019]

Surrender of certificate

7 Where the Chief Environmental Health Officer revokes the registration of an automatic external defibrillator under regulation 6, the operator of the defibrillator shall surrender his certificate to the Chief Environmental Health Officer immediately on the expiration of the two-month period referred to in regulation 6(4) or until the time when any appeal has been determined.

[Regulation 7 amended by 2018 : 66 s.2 effective 10 January 2019]

Designated users

8 (1) The operator shall in writing designate persons as designated users.

(2) A person shall not be designated under paragraph (1) unless he has successfully completed an approved course.

Operator, maintenance and testing

9 The operator of an automatic external defibrillator shall take reasonable measures to ensure that—

- (a) except for the purposes of training and education, the defibrillator is used only by designated users; and
- (b) the schedule of maintenance and testing is carried out in accordance with the guidelines issued by the manufacturer.

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Report of use of automatic external defibrillator

10 (1) The operator or designated user who makes use of an automatic external defibrillator for the purpose of emergency care or treatment of a person in cardiac arrest shall—

- (a) as soon as practicable call 911 and activate the Emergency Medical Services (EMS) system;
- (b) within 30 days report the circumstances of the use to the Chief Environmental Health Officer.

(2) Paragraph (1) does not apply to the use of an automatic external defibrillator in a hospital as defined in section 161 of the Act.

[Regulation 10 para (1)(b) amended by 2018 : 66 s.2 effective 10 January 2019]

Records

11 The operator of an automatic external defibrillator shall maintain a written record of the matters referred to in paragraph 4(2), the training schedule for designated users and the dates and circumstances of each instance of clinical use of the defibrillator.

Appeals to Minister

12 (1) A person aggrieved by a decision of the Chief Environmental Health Officer may, within 21 days after the date on which notice of the decision is given or within such longer period as the Minister may allow, appeal to the Minister against that decision.

(2) On an appeal under this regulation the Minister may give such direction as he considers appropriate and the Chief Environmental Health Officer shall comply with any such direction.

[Regulation 12 amended by 2018 : 66 s.2 effective 10 January 2019]

Appeals to court

13 (1) A person aggrieved by a decision of the Minister may, in accordance with section 163(4) of the principal Act, appeal to the court against that decision.

(2) On an appeal pursuant to this regulation, the court may make such order as it considers appropriate and the Minister shall comply with any such order.

Made this 19th day of January, 2006

Minister of Health and Family Services

[Amended by:

2018 : 66]