

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5021

By Delegates Summers and Tully

[Introduced January 23, 2024; Referred to the
Committee on Health and Human Resources]

1 A BILL to repeal §16-57-1, §16-57-2, §16-57-3, and §16-57-4 of the Code of West Virginia, 1931,
 2 as amended; and to amend said code by adding thereto a new section, designated §18-5-
 3 22e; all relating to cardiac response plans.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 57. SUDDEN CARDIAC ARREST PREVENTION ACT.

§16-57-1. Purpose.

1 [Repealed]

§16-57-2. Definitions.

1 [Repealed]

§16-57-3. Applicability, educational materials, removal from play, and training.

1 [Repealed]

§16-57-4. Rulemaking.

1 [Repealed]

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-22e. Cardiac response plans.

1 (a) The following terms are defined:

2 "Cardiac Emergency Response Plan (CERP)" - a written document that establishes the
 3 specific steps to reduce death from cardiac arrest in any setting – be it a school, community
 4 organization, workplace, or sports facility.

5 "Automated External Defibrillator (AED)" – a lightweight, portable device that delivers an
 6 electric shock through the chest to the heart. The shock can potentially stop an irregular heartbeat
 7 (arrhythmia) and allow a normal rhythm to resume following sudden cardiac arrest (SCA).

8 "Sudden Cardiac Arrest (SCA)" - occurs when the heart malfunctions and stops beating

9 unexpectedly. If not treated within minutes, it quickly leads to death.

10 "High-needs schools" - Schools where at least 50% of children are eligible to receive free
11 and reduced priced meals or the school participates in the Community Eligibility Provision or
12 Universal Free Meals. High-need schools may also be defined by Title 1 status.

13 (b) A school shall develop a cardiac emergency response plan (CERP) that addresses the
14 appropriate use of school personnel to respond to incidents involving an individual experiencing
15 sudden cardiac arrest or a similar life-threatening emergency while on school grounds.

16 (c) A school with an athletic department or organized athletic program shall develop a
17 cardiac emergency response plan that addresses the appropriate use of school personnel to
18 respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-
19 threatening emergency while attending or participating in an athletic practice or event while on
20 school grounds.

21 (d) School officials shall work directly with local emergency service providers to integrate
22 the CERP into the community's EMS responder protocols. Each plan shall integrate evidence-
23 based core elements, such as those recommended by the American Heart Association guidelines
24 or another nationally recognized, evidence-based standard/core elements.

25 (e) The CERP shall integrate, at a minimum, the following guidelines:

26 (1) Establishing a cardiac emergency response team;

27 (2) Activating the team in response to a SCA;

28 (3) Implementing AED placement and routine maintenance within the school;

29 (4) Disseminating the plan throughout the school campus;

30 (5) Maintaining ongoing staff training in CPR/AED use;

31 (6) Practicing using drills;

32 (7) Integrating local EMS with the plan;

33 (8) Ongoing and annual review and evaluation of the plan.

34 (f) Appropriate AED placement shall be prescribed by the CERP and in accordance with

35 guidelines set by the American Heart Association.

36 (g) Appropriate school staff shall be trained in first-aid, CPR, and AED use that follow
37 evidence-based guidelines set forth by the American Heart Association. Staff trained shall be
38 determined by the CERP, including but not limited to licensed coaches, school nurses, and athletic
39 trainers.

40 (h) The State Department of Education/local board of education may establish a procedure
41 for monitoring adherence by school boards, operators of independent charter schools, and the
42 governing bodies of private schools to the requirements set forth in subdivision of this section.

43 (i) A local and regional board of education may accept gifts, grants, and donations,
44 including in-kind donations designated for the purchase of an automatic external defibrillator that
45 meets the standards established by the United States Food and Drug Administration and for the
46 costs incurred to inspect and maintain such device and train staff in the use of such device.

NOTE: The purpose of this bill is to update cardiac response plans.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.