

AEDs in the workplace

From time-to-time, clients ask for advice on liability issues concerning the Automated External Defibrillator (AED) for emergency use in the workplace. As a general proposition, and pursuant to the relevant Ohio statutes, a private employer would not likely face any liability for providing or using AEDs in the workplace.

For most buildings and offices, there is no legal requirement in Ohio for a private employer to provide an AED. (Public school buildings and other types of public buildings are governed by different legal requirements.)

Section [3701.85](#) of the Ohio Revised Code is the on-point statute. It encourages those who may use an AED to get the proper training. An employer must maintain and test the AED according to the manufacturer's guidelines. The law also recommends that an employer notify an emergency medical services organization of the location of the AED. Again, training is recommended, but not required. Given the life-saving benefits of an AED, it would make little sense to provide one in the workplace without training a couple of employees in its use. Under Ohio law, if a person uses an AED, he/she must make a good faith effort to activate an emergency medical system, *i.e.*, call 911, as soon as possible.

Section [2305.235](#) of the Ohio Revised Code is Ohio's Good Samaritan law. People who try to help a person under cardiac arrest with an AED are immune from civil liability, unless their acts constitute willful or wanton misconduct. The immunity from liability also extends to an employer that provides AED training or the AED equipment itself. Again, if an employer brings in the equipment, the employer will need to maintain it and test it.

If an employer acquires an AED, the employer should also bring in a certified instructor to train several employee-volunteers at each facility where an AED is mounted.

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