

To: ACCASBO JIF Fund Commissioners
BCIP JIF Fund Delegates
GCSSD JIF Fund Delegates

From: John W. Geitz, Safety Coordinator

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RE: Janet's Law Clarifications

JANET'S LAW CLARIFICATIONS

In January 2013 I distributed a safety notice detailing the requirements of Janet's Law. This law requires an accessible automated external defibrillator in all schools and where school-sponsored athletic events are taking place. Further, it mandates an action response plan to be implemented and certified staff on-site to respond during these activities. The law goes into effect in September 2014.

The law, as written, was ambiguous in several areas. I contacted the NJ Department of Education in order to clarify several potential conflicts within the law. Below is a list of my questions and the responses provided by Christene DeWitt-Parker, MSN, CSN, RN. She is the Coordinator for School Health in the Office of Student Support Services with the New Jersey Department of Education. Her responses have clarified many of the concerns and questions that materialized during the initial report of this law.

Question:

1. What constitutes a "school-sponsored athletic event"? Is it simply a competitive sports team that plays other schools or would it include activities such as intramural games, student/teacher games for fundraisers or fun days, after school clubs with an athletic component and regular physical education programs?

Answer:

1. The law states that the AED must be accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which the pupils of the district or nonpublic school are participating. **The intent of the law is to ensure that there is a defibrillator and someone trained and certified to use the AED if necessary. Therefore, the answer is yes, it must be available for all events that involve any type of athletic participation, as well as during physical education and recess (physical activity).**

Question:

2. What about off-site practices for teams such as golf and swim? Does the school need to take along an AED for these events?

Answer:

2. Each district is responsible for developing a district-wide policy for managing a cardiac emergency. The policy should address, among many other things, the disposition of the AED for all events. The policy should include the mechanism for deciding how many AEDs are needed and who is responsible for ensuring that one is available for each after-school athletic event as well.

For example, if there is an athletic trainer (AT) on staff it is logical to consider that the policy may state that part of the AT's job description includes reviewing the calendar for all school-sponsored athletic events, whether on campus or away, and establish a protocol for ensuring that an AED is present at every game and practice. (Some schools have been doing this for years) So, if the swim team or golf team practices somewhere off campus, the AT would communicate with the swim facility/golf course and have a written agreement that the facility will have an AED that is available and ready for use if necessary.

If the facility does not have an AED the school must bring one to the site, either with the coach or AT, however the district policy indicates. If there is no AT at the school then it could be the coach's responsibility to be responsible for ensuring the AED is appropriately designated for each event. For athletic teams playing at another school, the host school should provide the AED. If the team is going to a school that does not have an AED the school must bring it with them. Again, these are details that must be considered in the development and the implementation of the school policy as well as the notification of all employees, parents and students regarding what is in the policy. [The law also says that someone must be designated at the school to be responsible for maintaining the defibrillator(s), including ensuring that the battery is active and the materials and supplies are current and in good order and ready for use if needed.]

Question:

3. What if a practice or game is played at a third party location (i.e. the fields of a third school district not involved in the game under a shared services agreement?) Does the third party have to provide the AED and certified user or one of the teams involved in the game?

Answer:

3. Third party sites for athletic events - The (school) person responsible for the team should bring their own AED in this case to ensure that there is working AED available.

Question:

4. I am assuming that the requirement for no less than 5 employees such as coaches, trainers, etc. being certified in CPR/AED is per school and not per district? So if a district has 5 schools where events would take place, they would need a minimum of 5 per location, or 25 total?

Answer:

4. You are correct in your understanding that the requirement for no less than five employees certified in CPR/AED applies to each school, not merely five in the district.

Question:

5. The law states that the AED must be within "reasonable proximity" to the gymnasium or athletic field where the event is taking place. Does the NJ Department of Education or NJ Department of Health have a determination of what is considered "reasonable proximity"?

Answer:

5. The scientific literature recommends a three-minute retrieval and return to victim time span. Some schools have golf carts to help with reaction time, but many simply bring the AED to the field (best practice).

Note: The U.S. Department of Health and Human Services, as well as many medical associations indicate a 3 minute response time from the time of the event to the time when you are starting to use the AED. Using the average human ability to run at approximately 5 mph, this equates to 440 feet/minute. Therefore, running 90 seconds out and 90 seconds back would require the AED to be within 660 feet of the event, assuming no other obstacles such as doors, gates, fences, hilly terrain, etc.

Some industry standards are more conservative and use a 90 second total response time, which would require the AED to be within about 325 feet of the event. As has been proven, the quicker the AED is employed, the greater the risk of survival. I would err on the side of caution and use a more conservative approach when possible. As noted, the best practice is to have the AED unit right at the event. Unfortunately, until this "reasonable proximity" definition is tested in court, we will not know for sure what is deemed appropriate.

Question:

6. Expanding on the off-site concerns, what about the unique exposure presented by cross-country running teams? In many cases, the students are individually running off-site through a local town on a multi-mile course. How does a school district provide an AED within "reasonable proximity"?

Answer:

6. There is no universal answer to the cross-country runner question. Each district needs to determine the approach based on their location and I recommend the school administrator discuss it with the local First Aid Squad.

Note: This will be a difficult issue to address because of the logistics presented by the events. We have discussed the liability issues with these teams previously. Some districts have opted to keep the teams on school property, which helps to limit liability risk and would allow the district to easily address the AED requirements. However, if your cross-country team still runs off-site, you may need to consider a "chase car" or "chase bike" that rides the course while students are running. Local paid emergency squads may be able to respond quickly, however volunteer squads will have a slower response time in most cases. This type of exposure will need to be properly addressed in your Emergency Action Plan. Again, until this type of exposure is legally challenged, we may not have a clearly defined guideline.

Summary

Based on these clarifications of the law, districts will need to evaluate all **school-sponsored** events with an athletic component. This should include on-site and off-site activities. When visiting third-party locations, you must verify the presence of an AED or bring your own, along with a certified user. Proximity to the events must be taken into account as larger districts may have several events spread out over different fields. Additional AEDs may need to be purchased to ensure adequate coverage.

The Joint Insurance Fund can assist in providing certifications training. As a reminder, you are entitled to one CPR/AED certification class annually from July 1 through June 30 for up to 16 people free of charge. Since this is a two year certification, you could have up to 32 people certified at all times at no charge.

Further, your Safety Incentive Program award money can be used towards the purchase of defibrillators. If you are not yet participating in the program or not achieving the highest level, now would be a great time to review the requirements and start the process. As always, we are here to assist you in any way possible. I hope that this memo has helped to provide guidance in developing your program and addressing key issues. Please let me know if you have any questions or need any assistance. Thank you.