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SFA**BILL ANALYSIS**

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House Bill 4038 (as reported without amendment)
Sponsor: Representative Sal Rocca
House Committee: Education
Senate Committee: Health Policy

Date Completed: 5-6-03

RATIONALE

According to the American Heart Association, 95% of cardiac arrest victims die before they reach the hospital. While these odds are grim, the Heart Association has identified four steps that increase the chances that a victim will make it to the hospital alive. Each step makes up a link in the "chain of survival", which includes early access to medical care (calling 911); early cardiopulmonary resuscitation (CPR); early defibrillation; and early advanced medical care. Although three out of four of these links require equipment, CPR does not; it can be performed by a layperson with minimal training. This link in the chain is considered essential because it provides some circulation of oxygen-rich blood to the victim's heart and brain, which delays both brain death and the death of the heart muscle.

While most cardiac arrest victims are adults, children can suffer heart attacks when their supply of oxygen is interrupted. Choking, near-drowning, electric shocks, and allergic reactions have been known to put children in a state of cardiac arrest. Because teachers spend a great deal of time around children, and because CPR is deemed so important to sustaining life in heart attack victims until medical help arrives, some people believe that new teachers should receive CPR training. It also has been suggested that new teachers should receive first aid training.

CONTENT

The bill would amend the Revised School Code to prohibit the Superintendent of Public Instruction from issuing an initial teaching certificate to a person unless that person presented evidence that he or she had successfully completed a course in CPR and first aid. The provision would begin July 1, 2004.

Under the bill, new teachers would have to hold valid certification from the American Red Cross, the American Heart Association, or a comparable organization or institution approved by the Department of Education. A person would have to have successfully completed a Department-approved course in CPR and first aid, including a test demonstration on a mannequin, as well as instruction approved by the Department in foreign body airway obstruction management.

A person would be exempt from this requirement if he or she had physical limitations that made it impracticable for him or her to complete the instruction and obtain the required certification.

A person who met the requirements of the bill and who performed CPR, first aid, or foreign body airway obstruction management on another person in the course of his or her employment as a teacher would not be liable in a civil suit for damages resulting from an act or omission occurring in that performance, except an act or omission that constituted gross negligence or willful and wanton misconduct.

Proposed MCL 380.1531d

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Considering the importance of CPR to the chain of survival, it is surprising that teachers are not already required to take a course in CPR. According to the American Heart Association, many other professionals--such

as optometrists, dentists, dental hygienists, Department of Corrections officers, and child care providers--are required to obtain CPR training before they can be licensed in Michigan. Teachers, who are often the only adult in a room with 30 children, should have to meet the same standard. While it would be ideal to require all teachers to have CPR certification, imposing the prerequisite on new teachers would provide for several thousand CPR-trained teachers in the 2003-2004 school year. Thus, the chances that someone familiar with CPR would be at a school when a cardiac arrest occurred would dramatically increase. In addition, the proposed requirement is popular with the public. According to the *Detroit Free Press* (2-12-02), an EPIC-MRA poll showed that, among State voters, 75% favored the CPR requirement for new teachers.

Opposing Argument

At a time when the State is attempting to reduce requirements that it places on local school districts, the bill would impose another State mandate. In addition, new teachers, many of whom are in debt from paying for college, would have to pay for the training, or the local districts would have to pay. Requiring new teachers to have CPR and first aid training should be a decision made by local districts.

Opposing Argument

Training in CPR and first aid would not guarantee that a teacher would respond appropriately in a crisis, especially if the teacher were not comfortable providing such care. According to the Michigan Association of School Nurses, CPR certification must be renewed each year, and first aid every three years. New teachers who would be required to take the training, but did not want to perform the necessary procedures, likely would not renew their certification. This could lead parents to assume mistakenly that teachers in a building were qualified to administer CPR or first aid. A better approach would be for the administration in each school building to find volunteers among the staff who were motivated and willing to become certified.

Legislative Analyst: George Towne

FISCAL IMPACT

The Department of Education would have to request and review evidence that a person seeking an initial teaching certificate had successfully completed a CPR and first aid course, or that the person was incapable of doing so. Therefore, the Department would experience slightly higher administrative costs stemming from this legislation.

Fiscal Analyst: Kathryn Summers-Coty

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.