



# The Heart of the Matter

## Defibrillators in the Workplace Make Good Business Sense

When staff members at the fourth largest U.S. law firm proposed a plan to buy workplace defibrillators, an increasingly popular first-aid device, managers had one concern: What if the person using it actually caused more harm than good?

That concern was quickly allayed when top managers at Sidley Austin Brown & Wood LLP discovered that there was little or no risk in having a defibrillator in the office. In fact, there may be a greater risk if the law firm failed to have modern defibrillators readily accessible to employees.

Arlette Mann, the firm's insurance director, concluded that having defibrillators in the firm's offices made good

SCA is a life-threatening condition where the heart suffers abnormal electrical activity and loses its normal rhythm. The heart stops pumping blood and goes into a dangerous, quivering state termed fibrillation.

The federal government estimates that SCA kills more than 350,000 Americans each year. According to the U.S. Occupational Safety and Health Administration, about 400 workers die on the job each year due to SCA.

### Defibrillators Work

An automatic external defibrillator (AED) delivers a defibrillation counter-shock to restore the heart to its normal, productive rhythm. The machine

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sense. Mann, who was key to expanding the firm's first-aid training to include the use of a defibrillator and information on sudden cardiac arrest, summed up what many other legal managers are discovering: At a cost of several thousand dollars, an AED buys a lot of peace of mind.

### Sudden Cardiac Arrest

Sudden cardiac arrest (SCA) can strike without warning — anytime and anywhere — regardless of age or health.

applies a sophisticated algorithm to analyze the victim's heart rhythm and detect whether a potentially lethal irregular heartbeat exists.

If the algorithm detects a shockable rhythm, the AED delivers a defibrillation shock through two self-adhesive electrode pads on the victim's chest. The AED produces audible voice prompts and screen displays to the guide the user through the process.

According to the American Heart Association, the patient has a 90 per-

cent chance of survival if defibrillation is given within the first few minutes. The chances of survival drop about 10 percent each minute that defibrillation is delayed. These are disturbing odds when you consider that the nation's average EMS response time is between six and 12 minutes.

Essentially, AEDs buy time. The device gives the victim a better chance of survival when that EMS person does pull up. Having AEDs in the workplace and in public places literally makes the public an extension of the EMS system. Just as cardiopulmonary resuscitation (CPR) is known to save people from heart attacks, these devices are part of the solution to sudden cardiac arrest.

### Legal Industry Among Early Adopters

Not surprisingly, law firms were among the first to invest in portable defibrillators and establish comprehensive emergency training to use them. Legal administrators are acutely aware of risks and liability, and they recognize the cost-benefit of a strategy to control those risks.

Legal managers at Hale and Dorr LLP were one of the first law firms in the Boston area to initiate an extensive first-aid training program that included the use of defibrillators. Lizet Garcia, Human Resources Director at the firm, said managers wanted to enhance the safety of its employees and purchased several defibrillators in 1999.

With 1,130 employees U.S.-wide, Hale and Dorr now has a total of 10 defibrillators in six offices throughout the country and 67 employees trained to use them.

### Risk Management Perspective

When Sidley Austin Brown & Wood began to study the viability of buying defibrillators in 2000, firm managers asked The Hartford, as its insurance company, whether

the firm would be taking on financial risk and liability if it purchased these devices.

The Hartford employees conducted an investigation of AEDs, conferring with manufacturers of defibrillators, suppliers and medical professionals, in addition to examining the legal case history.

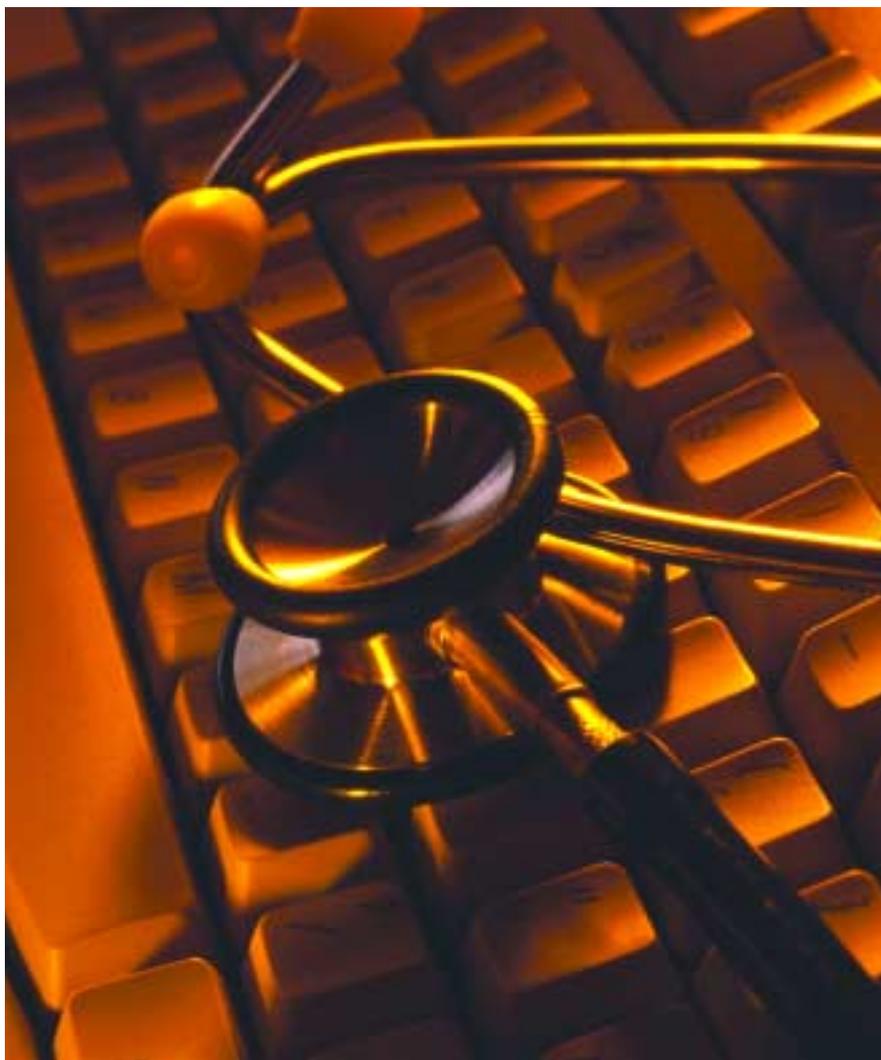
The company's research found the liability for having AEDs was minimal, thanks to several laws on the books that protect companies from lawsuits arising from a worker's attempt to save a life by using a defibrillator.

The federal Cardiac Arrest Survival Act of 2000 (CASA) extends certain legal immunities to people who use an AED and entities that acquire one. In

addition, all states have modified existing "Good Samaritan" laws that specifically exempt certain individuals from civil liability for use of an AED.

A study sponsored by the City of Chicago and published in the October 2002 issue of the *New England Journal of Medicine* concluded there is little or no risk to using the devices. The study clearly showed that untrained passers-by could effectively use the heart-jolting defibrillators to revive victims of sudden cardiac arrest.

In addition, research showed an emerging trend: Companies without adequate first-aid equipment, including defibrillators, were in greater danger of getting sued.



### Liability

Several lawsuits since 1990 indicate that initial liability concerns regarding AEDs were misplaced. The lawsuits filed against airlines, a health center and an amusement park awarded damages to families of victims who died from sudden cardiac arrest. In each

increasing public expectation that these devices be accessible.

### Sidley Austin Brown & Wood's AED Program

Once Mann's staff had researched the program, the pitch to upper management was an easy sell. The legal case

prehensive workplace AED program, involving dozens of employees and 65 AEDs in headquarters and field offices throughout the United States.

An effective AED program involves more than just equipment. Medical oversight is essential, as is training of employees in each location. As one of the nation's largest insurance companies with 27,000 employees, The Hartford has its own on-staff medical team. However, to ensure consistency throughout various locations, The Hartford opted to contract with an outside firm for medical oversight and management of the training for AED program.

Just having the device on the job is not enough. There are many factors legal administrators need to consider:

- Establish a centralized management system for the AED.
- Coordinate with local emergency medical services.
- Ensure awareness of and compliance with federal and state regulations.
- Develop a written AED program description for each location.
- Integrate the AED program with an overall emergency response plan for the worksite.
- Assess the proper number and placement of AEDs and supplies.
- Follow scheduled maintenance and replacement of AEDs and ancillary equipment.
- Establish an AED quality assurance program.
- Conduct periodic review and verification of the workplace AED program.

Given the success rate of immediate defibrillation, it's possible the easy-to-use, lightweight laptop devices will eventually be as common in the workplace as fire extinguishers and first-aid kits.

The greatest benefit of an AED is peace of mind. Having one at the right place at the right time could make all the difference in the world. ❖

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case, the businesses' failure to provide adequate first aid, including an AED, was cited in the complaint.

Increasingly, families of cardiac arrest victims have been successful in winning legal damages against businesses that did not have AEDs. Most notable was a 1995 incident involving an 18-year-old girl who collapsed and died after riding a roller coaster at a well-known amusement park.

She died from neurological cardiac arrest, a nervous system disorder that causes an irregular heartbeat. The park didn't have an AED on site or staff trained adequately in emergency procedures. A jury ruled against the park, and legal analysts believe it sent a strong signal that businesses can be held liable for failing to provide an expected standard of care. Several other lawsuits have involved airlines that failed to equip aircraft with necessary medical equipment, including AEDs.

The Hartford concluded that there is a distinct and definite advantage to having these devices in the office, and there appears to be a greater liability for businesses that fail to recognize the

history was certainly a factor in convincing senior executives at the Chicago-based firm that these devices are worth having. Their top concern was that the device would be complicated to use and could hurt people if not used properly.

The firm has more than 3,000 employees nationwide, with about 1,000 in its headquarters. The most apparent risk was location: a high-rise in Chicago, where it could take paramedics up to 20 minutes to arrive. Having AEDs on site could be the difference between life and death if a staff member or client suffered a sudden cardiac arrest.

Mann was able to show senior executives that the device was a potential lifesaver and would not hurt people if used properly. The firm made an initial investment of less than \$10,000 to purchase two AEDs for its Chicago headquarters and to train 12 staff members to use the devices.

### AED Programs

The Hartford employees involved in the research took recommendations for defibrillators to their company's leaders. Today, The Hartford has its own com-