

HOUSE No. 1484

The Commonwealth of Massachusetts

PRESENTED BY:

Denise C. Garlick

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to safe patient handling in certain health facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/20/2011</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>2/3/2011</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2011</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/3/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/3/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/3/2011</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>2/3/2011</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/3/2011</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>2/3/2011</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>2/3/2011</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>2/3/2011</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>2/4/2011</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/4/2011</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/4/2011</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	<i>2/4/2011</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/4/2011</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>2/4/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/4/2011</i>

<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>2/4/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/4/2011</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/4/2011</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>	<i>2/4/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/4/2011</i>

HOUSE No. 1484

By Ms. Garlick of Needham, a petition (accompanied by bill, House, No. 1484) of Denise C. Garlick and others that certain health facilities be directed to establish a "safe patient handling policy", so-called. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2026 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relating to safe patient handling in certain health facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws is hereby amended by inserting after section 91C the
2 following section:-

3 Section 91D. As used in this section, the following words, shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 "Acute-care hospital", any hospital licensed pursuant to sections 51 and 52 and the
6 teaching hospital of the university of Massachusetts medical school, which contains a majority of
7 medical-surgical, pediatric, obstetric, and maternity beds, as defined by the department.

8 "Department", the department of public health.

9 “Health care facility”, any acute care hospital as defined in section (a), any licensed
10 private, public or state-owned and operated general acute care rehabilitation hospital or unit, any
11 licensed private, public or state-owned and operated general acute care psychiatric hospital or
12 unit, any nursing home as defined in section 71 and any long term care facility as defined in
13 section 71.

14 “Health care worker”, any health facility personnel or lift team member who lifts,
15 transfers or repositions patients or equipment.

16 “Hospital”, any institution, however named, whether conducted for charity or for profit,
17 which is advertised, announced, established or maintained for the purpose of caring for persons
18 admitted thereto for diagnosis, medical, surgical or restorative treatment which is rendered
19 within said institution.

20 “Lift team”, health care facility employees specially trained to handle patient lifts,
21 transfers and repositioning using lifting equipment when appropriate and precluded from
22 performing other duties.

23 “Lifting and transferring process”, a system whereby patients and situations are
24 identified based on the potential risk of injury to the patient and/or health care worker from
25 lifting, transferring or moving that patient.

26 “Long term care facility”, any institution, however named, whether conducted for charity
27 or profit, which is advertised, announced or maintained for the express or implied purpose of
28 caring for four or more persons admitted thereto for nursing or convalescent care, as defined in
29 section 71.

30 “Needs assessment”, an evaluation of lift and transfer needs, resources and capabilities
31 with recommendations on procedures to be followed and resources available to lift and transfer
32 patients safely.

33 “NIOSH RWL”, 35 pound or current maximum recommended weight lift limit, a
34 standard calculated by NIOSH, as explained at <http://www.cdc.gov/niosh/94-110.html>

35 “Nursing home”, any institution, however named, whether conducted for charity or
36 profit, which is advertised, announced or maintained for the express or implied purpose of caring
37 for four or more persons admitted thereto for nursing or convalescent care, as defined in section
38 71.

39 “Patient”, an individual who receives health services at a hospital, health care facility, or
40 long term care facility.

41 “Patient care ergonomic evaluation”, evaluation performed in all direct patient care areas
42 including but not limited to acute care, critical care, rehabilitation, radiology, operating room,
43 urgent care, therapy departments, long term care, outpatient service, etc. following guidance
44 from the OSHA Nursing Home Guidelines, VA Patient Care Ergonomic Guidelines, or other
45 accepted guidance document to identify ergonomic control measures for decreasing risk of injury
46 from patient handling and moving activities.

47 “Qualified personnel”, person(s) accountable and responsible for the ongoing education
48 and knowledge of patient needs assessment, engineering equipment and patient ergonomics.

49 “Resident”, an individual who resides in a long term care facility.

50 “Safe patient handling policy”, a written statement describing the replacement of manual
51 lifting and transferring of patients and equipment with powered transfer devices, lifting devices,
52 and/or lift teams, consistent with a needs assessment and mandating the replacement of manual
53 lifting and transferring of patients with techniques using current patient handling
54 equipment/technology to lift patients unless specifically contraindicated for a patient’s condition
55 or medical status. Such technology/equipment includes, but is not limited to mechanical lifting
56 devices (floor-based & ceiling-mounted), lateral transfer aids, friction reducing devices, fast
57 electric beds, motorized beds, etc , consistent with clinical unit/area patient care ergonomic
58 evaluation recommendations. Such policy also mandates the use of individual patient handling
59 assessments for each patient/resident requiring assistance.

60 By February 1, 2010 each health care facility shall establish a safe patient handling
61 committee (“committee”) through the creation of a new committee or by assigning the functions
62 of a safe patient handling committee to an existing committee. The purpose of the Committee is
63 to design and recommend the process for implementing a safe patient handling program and to
64 oversee the implementation of the program. At least half the members of the safe patient
65 handling committee shall be frontline non-managerial employees who provide direct care to
66 patients and shall include but not be limited to nurses, laundry, maintenance and infection control
67 employees.

68 By December 1, 2010, the governing body of a hospital or the quality assurance
69 committee of a nursing home shall adopt and ensure implementation of a Safe Patient Handling
70 Program to identify, assess, and develop strategies to control risk of injury to patients and health
71 care workers associated with the lifting, transferring, repositioning, or movement of a patient or
72 equipment, such that manual lifting or transfer of patients is minimized in all cases and

73 eliminated when feasible and manual patient handling or movement of all or most of a patient's
74 weight is restricted to emergency, life-threatening, or otherwise exception circumstances. As
75 part of this program each facility must:

76 Conduct a comprehensive analysis of the risk of injury to both patients and health care
77 workers posed by the patient handling needs of the patient populations served by the hospital or
78 nursing home and the physical environment in which patient and equipment handling and
79 movement occurs, through:

80 (a) Evaluation of alternative ways to reduce risks associated with patient and
81 equipment handling, including evaluation of equipment and patient care and
82 patient support environments;

83 Conduct of individual patient care ergonomic evaluations in all patient care
84 areas, following guidance from the OSHA Nursing Home Guidelines,
85 VA Patient Care Ergonomic Guidelines, or other accepted guidance
86 document, to identify ergonomic control measures for decreasing risk of
87 injury from patient handling and moving activities;

88 Development and implementation of safe patient handling policies based on
89 the needs of all shifts and units of the facility.

90 Identify and list the type and quantity of patient handling equipment and other equipment
91 required on each clinical unit/area and ensure that the purchase and acquisition of all such

92 equipment is incorporated into the Safe Patient Handling Program. Patient handling measures
93 and patient handling equipment/technology shall include but not be limited to mechanical lifting
94 devices (floor-based & ceiling-mounted), lateral transfer aids, friction reducing devices, fast
95 electric beds, and motorized beds.

96 Provide patient handling equipment and/or technology as stipulated in section (2) which
97 is appropriate for each clinical area and patient/resident population, to reduce the risk of injury to
98 direct patient care providers and patients/residents.

99 Provide specialized training in safe patient handling by qualified personnel to all health
100 facility personnel and lift team members who lift, transfer or reposition patients, including but
101 not limited to demonstration of proficiency in safe techniques for lifting or transferring patients
102 and the appropriate use of lifting or transferring devices and equipment. Health care facilities
103 must train staff on policies, equipment and devices at least annually.

104 Develop procedures for health care workers to refuse to perform or be involved in patient
105 and equipment handling or movement that the worker believes in good faith will expose a patient
106 or a nurse to an unacceptable risk of injury without subjecting such worker to disciplinary action.

107 Provide for lift team members, where lift teams are employed, to utilize lifting devices
108 and equipment throughout the health care facility to lift patients unless specifically
109 contraindicated for a patient's condition or medical status.

110 Prepare an annual performance evaluation report and submit to the governing body or the
111 quality assurance committee on activities related to the identification, assessment, and
112 development of strategies to control risk of injury to patients and health care workers associated

113 with the lifting, transferring, repositioning, or movement of a patient with statistics on the
114 numbers and types of injury to the facilities health care workers and patients;

115 Track, publish and disseminate upon request annual injury data including: the financial
116 cost of all safe patient and equipment handling injuries suffered by employees and patients; the
117 nature and cause of injury; date, shift, and unit statistics; cost to the institution and to employees
118 and patients; and outcomes; to the extent permitted by privacy regulations.

119 Identify the type and quantity of patient handling equipment and other equipment
120 required and ensure that the purchase of other acquisition of all such equipment is incorporated
121 into the Safe Patient Handling Program.

122 By January 30, 2010, health care facilities shall complete the acquisition of safe patient
123 handling equipment determined to be required by their safe patient handling committee. Such
124 equipment will include, though not be limited to: (a) at least one readily available lift per unit on
125 each unit where patients will weigh 35 pounds or the current maximum recommended weight lift
126 limit for patients (NIOSH RWL), unless the facility's safe patient handling committee
127 determines that more lifts are required on the unit; (b) one lift for every ten beds; and/ or (c)
128 equipment for use by lift teams.

129 The development of architectural plans for constructing or remodeling a health care
130 facility or a unit of a health care facility must incorporate patient handling equipment and the
131 construction design needed to accommodate such equipment.