



Safe Patient Handling State Legislative Activity 2005-2007

Prompted by ANA's *Handle With Care* Campaign which began in 2003, five states have enacted "safe patient handling" legislation: **New York, Ohio, Rhode Island, Texas, and Washington**, with a resolution from **Hawaii**. In just the four months of 2007: eleven states have introduced some type of legislation designed to address lifting in health care facilities: **California, Connecticut, Florida, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York and Vermont**.

A number of other states have introduced legislation to study musculoskeletal injuries in their workers and examine ergonomic remedies, but have not specified programmatic approaches.

Enacted Safe Patient Handling Legislation

HAWAII

Hawaii passed a House Concurrent Resolution (2006) calling for the Legislature of the State of Hawaii to support the policies contained in the American Nurses Association's Handle With Care campaign.

NEW YORK

New York passed legislation (2005) that creates a two-year safe patient handling demonstration program. The program will serve to collect evidence based data, reflecting the incidence of employee and patient injuries resulting from patient handling, comparing the use of manual and technology based techniques. Any type of licensed health care facility interested in participating in this program applies to the NYS Department of Health for funding. All participants must develop a risk identification and assessment plan, a comprehensive employee training program, be willing to commit to a culture which avoids manual patient handling to the greatest extent practicable, and provides ongoing reporting through the facility health and safety committee as well as the Department of Health. Appropriations were designated in the 2006 budget.

OHIO

Ohio legislation (2005) resulted in the long term care loan fund program, to be operated by the bureau of workers' compensation. The administrator of the program shall use the program to make loans without interest to nursing homes for the purpose of purchasing, improving, installing lifts, as well as to support the cost of staff education and training in support of a policy of no manual lifting of residents.

RHODE ISLAND

Rhode Island legislation (2006) requires each licensed health care facility to have a committee developed, by July 1, 2007, a written safe patient handling program. By July 1, 2008, facilities must be prepared to implement a safe patient handling policy for all shifts and units that will achieve the maximum reasonable reduction of manual lifting, transferring, and repositioning of all or most of a patient's weight, except in emergency, life-threatening or otherwise exceptional circumstances. The statute also addresses completion of patient handling hazard assessments, staff training and the provision for reporting to a safe patient handling committee within each facility annually.

TEXAS

Legislation enacted in Texas in 2005 and effective 2006, requires the governing body of a hospital or the quality assurance committee of a nursing home to adopt and ensure implementation of a policy to identify, assess, and develop strategies to control risk of injury to patients and nurses associated with the lifting, transferring, repositioning, or movement of a patient. The code stipulates there be collaboration with and annual reporting to a nurse staffing committee, as well as reports to the governing body or quality assurance committee. There is also the provision that in developing architectural plans for constructing or remodeling a unit of a hospital or nursing home in which patient handling occurs, consideration of the feasibility of incorporating patient handling equipment must be considered.

WASHINGTON

Washington legislation (2006) promotes safe patient handling and reduction of injuries among health care workers by establishing a Safe Patient Handling Committee (with at least half of the committee comprised of direct care providers) and implementation of a safe patient handling policy to prevent musculoskeletal disorders among health care workers and injuries to patients. The law mandates hospitals to acquire the much needed lifting equipment and provide staff training. Hospitals will receive a tax credit when purchasing lifting equipment.

Proposed Safe Patient Handling Legislation (as of 2/12/07)

CALIFORNIA

California is the latest to join ranks in recognizing that musculoskeletal disorders (MSDs) in health care personnel far surpass that of other occupations and report that according to the 2006 Bureau of Labor Statistics, California leads the nation in the number of workers reporting musculoskeletal disorders. This factor, combined with an aging workforce has prompted the state to seek a legislative solution this year. The California bill, the "Hospital Patient and Healthcare Worker Injury Protection Act", would establish a zero lift policy and lift teams within general hospitals. It would also require each hospital to establish a patient protection and health care worker injury prevention plan, based upon a needs assessment to determine the patients needing lift teams, and types of lifts and repositioning devices.

CONNECTICUT

Connecticut's legislation requires any employers with more than 100 employees to develop ergonomics policy and practices, with input from employees; including such functions as: perform job analyses with the intent of identifying ergonomic risks, maintain and monitor injury logs, and provide incentives for employees for early reporting of MSDs.

MARYLAND

Maryland's proposed legislation is limited to requiring all hospitals establish a safe patient handling committee, charged with developing associated policy.

MICHIGAN

Michigan legislation would create a clinical advisory committee with the duties of reviewing and making recommendations regarding lift policies and lifts in nursing homes.

MINNESOTA

Minnesota legislation provides for grants to support the safe patient handling programs and activities in health care facilities by transferring money from workers compensation special fund to an assigned risk safety account.

NEW JERSEY

New Jersey has introduced a fairly comprehensive bill, the "Safe Patient Handling Act", calling for a three year program to be instituted in all hospitals and nursing homes, with language to protect employees from retaliation when refusing to lift. A second bill designates a "zero lift" pilot program, directed to nursing homes only.

NEW YORK

New York introduced a bill requiring installation of ceiling lifts in all new or renovated hospitals and nursing homes.