

**ASSEMBLY, No. 3028**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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INTRODUCED MAY 15, 2006

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen, Essex and Passaic)**

**Assemblywoman JOAN M. VOSS**

**District 38 (Bergen)**

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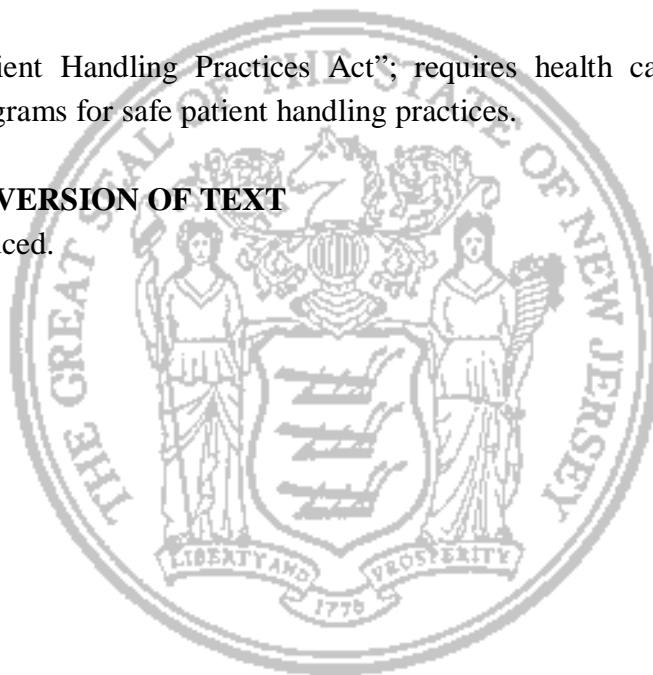
**Assemblywomen Greenstein, Vainieri Huttie, Assemblymen Diegnan and Gordon**

**SYNOPSIS**

“Safe Patient Handling Practices Act”; requires health care facilities to establish programs for safe patient handling practices.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/13/2006)**

1 AN ACT concerning health care worker and patient safety and  
2 supplementing Title 26 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. This Act shall be known and may be cited as the “Safe Patient  
8 Handling Practices Act.”

9  
10 2. The Legislature finds and declares that:

11 a. In New Jersey, nurses, nurse aides, orderlies and attendants,  
12 combined, have a higher number of nonfatal occupational injuries  
13 and illnesses involving days away from work than any other  
14 occupation;

15 b. Studies demonstrate that assistive patient handling equipment  
16 and training reduce workers’ compensation and medical treatment  
17 costs for musculoskeletal disorders among health care workers, and  
18 that employers can recoup their initial investment in equipment and  
19 training within three years; and

20 c. Therefore, it is appropriate public policy to require health care  
21 facilities in the State to establish safe patient handling programs to  
22 reduce the risk of injury to both patients and health care workers at  
23 the facilities.

24  
25 3. As used in this act:

26 “Assisted patient handling” means patient handling using:  
27 mechanical patient handling equipment including, but not limited  
28 to, electric beds, portable base and ceiling track-mounted full body  
29 sling lifts, stand assist lifts, and mechanized lateral transfer aids;  
30 and patient handling aids including, but not limited to, gait belts  
31 with handles, sliding boards and surface friction-reducing devices.

32 “Covered health care facility” means a health care facility  
33 licensed by the Department of Health and Senior Services pursuant  
34 to P.L.1971, c.136 (C.26:2H-1 et seq), a State developmental center  
35 and a State or county psychiatric hospital.

36 “Health care worker” means an individual who is employed by a  
37 covered health care facility whose job duties entail patient handling.

38 “Patient” means a patient or resident at a covered health care  
39 facility.

40 “Patient handling” means the lifting, transferring, repositioning,  
41 transporting or moving of a patient in a covered health care facility.

42 “Unassisted patient handling” means patient handling using a  
43 health care worker's body strength without the use of mechanical  
44 patient handling equipment or patient handling aids.

45  
46 4. Each covered health care facility shall establish a safe patient  
47 handling program to reduce the risk of injury to both patients and  
48 health care workers at the facility.

1       a. The facility shall:

2       (1) maintain a detailed written description of the program and its  
3 components;

4       (2) provide a copy of the written description to the Department  
5 of Health and Senior Services or Department of Human Services, as  
6 applicable, and make the description available to health care  
7 workers at the facility and to any collective bargaining agent  
8 representing health care workers at the facility;

9       (3) post a copy of its safe patient handling policy, as provided in  
10 subsection b. of this section, in a location easily visible to staff,  
11 patients, and visitors; and

12       (4) designate a representative of management at the facility who  
13 shall be responsible for overseeing all aspects of the safe patient  
14 handling program.

15       b. A safe patient handling program shall include:

16       (1) a safe patient handling policy on all units and for all shifts  
17 that, consistent with patient safety and well-being, restricts  
18 unassisted patient handling of all or most of a patient's weight to  
19 situations where a patient is in need of immediate attention or  
20 where the use of assisted patient handling would jeopardize the  
21 safety of the patient;

22       (2) an assessment of the safe patient handling assistive devices  
23 needed to carry out the facility's safe patient handling policy;

24       (3) the purchase of safe patient handling equipment and patient  
25 handling aids necessary to carry out the safe patient handling  
26 policy;

27       (4) protocols and procedures for assessing and updating the  
28 appropriate patient handling requirements of each patient of the  
29 facility;

30       (5) a plan for assuring prompt access to and availability of  
31 mechanical patient handling equipment and patient handling aids on  
32 all units and all shifts; and

33       (6) a provision requiring that all such equipment and aids be  
34 stored and maintained in compliance with their manufacturers'  
35 recommendations;

36       (7) a training program for health care workers that:

37       (a) covers the identification, assessment, and control of patient  
38 handling risks; the safe, appropriate, and effective use of patient  
39 handling equipment and aids, and proven safe patient handling  
40 techniques;

41       (b) requires trainees to demonstrate proficiency in the techniques  
42 and practices presented;

43       (c) is provided during paid work time; and

44       (d) is conducted upon commencement of the facility's safe  
45 patient handling program and at least annually thereafter, with  
46 appropriate interim training for individuals beginning work between  
47 annual training sessions; and

1 (8) educational materials for patients and their families to help  
2 orient them to the facility's safe patient handling policy.

3 c. A facility shall conduct an annual evaluation of the program,  
4 and make revisions to the program based on data analysis and  
5 feedback from the facility's health care workers.

6 d. A facility shall:

7 (1) establish the safe patient handling program within 18 months  
8 of the effective date of this act; and

9 (2) purchase the equipment and aids determined necessary to  
10 carry out its safe patient handling policy, and conduct the initial  
11 training as required in this section, within 24 months of the  
12 effective date of this act.

13  
14 5. a. Each covered health care facility shall establish a safe  
15 patient handling practices committee, which shall be responsible for  
16 all aspects of the development, implementation and periodic  
17 evaluation and revision of the facility's safe patient handling  
18 program, including the evaluation and selection of patient handling  
19 equipment and aids and other appropriate engineering controls.

20 b. At least 50% of the members of the committee shall be health  
21 care workers who provide direct patient care to patients at the  
22 facility or are otherwise involved in patient handling at the facility.  
23 In a facility where health care workers are represented by a  
24 collective bargaining agent, the collective bargaining agent shall  
25 select the health care worker committee members.

26 The remaining members of the committee shall have experience,  
27 expertise, or responsibility relevant to the operation of a safe patient  
28 handling program.

29 c. A health care system with more than one covered health care  
30 facility shall have a committee at each facility.

31 d. The committee shall meet at least monthly.

32 e. A facility shall establish its safe patient handling practices  
33 committee within 12 months of the effective date of this act.

34  
35 6. A covered health care facility shall not retaliate against any  
36 health care worker because that worker refuses to perform a patient  
37 handling task due to a reasonable concern about worker or patient  
38 safety, or the lack of appropriate and available patient handling  
39 equipment or aids.

40  
41 7. The Commissioner of Health and Senior Services shall  
42 provide training to covered health care facilities, at no cost, on how  
43 to develop and implement a safe patient handling program.

44  
45 8. A covered health care facility licensed pursuant to P.L.1971,  
46 c.136 (C.26:2H-1 et seq.) that is in violation of the provisions of  
47 this act shall be subject to such penalties as the Department of

1 Health and Senior Services may determine pursuant to sections 13  
2 and 14 of P.L.1971, c.136 (C.26:2H-13 and 26:2H-14).

3  
4 9. The Commissioner of Health and Senior Services shall adopt  
5 rules and regulations pursuant to the “Administrative Procedure  
6 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), within nine months of  
7 the date of enactment of this act, to carry out the purposes of this  
8 act.

9  
10 10. This act shall take effect immediately.

11  
12  
13 STATEMENT

14  
15 This bill, which is designated the “Safe Patient Handling  
16 Practices Act,” requires licensed health care facilities, and State  
17 developmental centers and State and county psychiatric hospitals to  
18 establish safe patient handling programs in order to reduce the risk  
19 of injury to both patients and health care workers at the facilities.

20 The bill requires a facility to:

21 -- establish a safe patient handling program within 18 months of  
22 the enactment of the bill;

23 -- maintain a detailed written description of the program and its  
24 components and provide a copy of the written description to the  
25 Department of Health and Senior Services or Department of Human  
26 Services, as applicable;

27 -- make the description available to health care workers at the  
28 facility and to any collective bargaining agent representing health  
29 care workers at the facility;

30 -- post its safe patient handling policy (as described below) in a  
31 location that is easily visible to staff, patients, and visitors; and

32 -- designate a representative of management at the facility to be  
33 responsible for overseeing all aspects of the safe patient handling  
34 program.

35 A safe patient handling program is to include:

- 36 • a safe patient handling policy on all units and for all shifts at the  
37 facility that, consistent with patient safety and well-being,  
38 restricts unassisted patient handling of all or most of a patient’s  
39 weight to situations where a patient is in need of immediate  
40 attention or where the use of assisted patient handling would  
41 jeopardize the safety of the patient;
- 42 • an assessment of the safe patient handling assistive devices  
43 needed to carry out the safe patient handling policy at the  
44 facility. The bill defines “assisted patient handling” to mean  
45 patient handling using: mechanical patient handling equipment  
46 including, but not limited to, electric beds, portable base and  
47 ceiling track-mounted full body sling lifts, stand assist lifts, and  
48 mechanized lateral transfer aids; and patient handling aids

- 1 including, but not limited to, gait belts with handles, sliding  
2 boards and surface friction-reducing devices;
- 3 • the purchase of safe patient handling equipment and patient  
4 handling aids necessary to carry out the safe patient handling  
5 policy;
  - 6 • protocols and procedures for assessing and updating the  
7 appropriate patient handling requirements of each patient of the  
8 facility;
  - 9 • a plan for assuring prompt access to and availability of  
10 mechanical patient handling equipment and patient handling aids  
11 on all units and all shifts;
  - 12 • a provision requiring that all such equipment and aids be stored  
13 and maintained in compliance with their manufacturers  
14 recommendations;
  - 15 • a training program for health care workers; and
  - 16 • educational materials for patients and their families to help orient  
17 them to the safe patient handling policy at the facility.

18 The bill directs a facility to conduct an annual evaluation of the  
19 program, and to make revisions to the program based on data  
20 analysis and feedback from its health care workers. Also, a facility  
21 would be required to purchase the equipment and aids determined  
22 necessary to carry out its safe patient handling policy, and to  
23 conduct the initial training, within 24 months of the enactment of  
24 the bill.

25 The bill also requires a facility to establish a safe patient  
26 handling practices committee. The committee will be responsible  
27 for all aspects of the development, implementation and periodic  
28 evaluation and revision of the safe patient handling program at the  
29 facility, including the evaluation and selection of patient handling  
30 equipment and aids and other appropriate engineering controls. At  
31 least one-half of the members of the committee must be health care  
32 workers who provide direct patient care to patients at the facility or  
33 are otherwise involved in patient handling at the facility. The  
34 remaining members of the committee must have experience,  
35 expertise, or responsibility relevant to the operation of a safe patient  
36 handling program.

37 The bill prohibits a health care facility from retaliating against a  
38 health care worker because that worker refuses to perform a patient  
39 handling task due to a reasonable concern about worker or patient  
40 safety, or the lack of appropriate and available patient handling  
41 equipment or aids.

42 The bill also requires the Commissioner of Health and Senior  
43 Services to provide training to health care facilities, at no cost,  
44 regarding development and implementation of a safe patient  
45 handling program.

46 Finally, the bill provides that a licensed health care facility that  
47 violates of the provisions of the bill shall be subject to such

**A3028 CONAWAY, PRIETO**

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- 1 penalties as the Department of Health and Senior Services may
- 2 determine pursuant to N.J.S.A.26:2H-13 and 26:2H-14.