

SENATE, No. 1758

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Adler, Madden and Rice

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2006)

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 Act.”

9

10 2. The Legislature finds and declares that:

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

15 b. Chronic back pain and other job-related musculoskeletal
16 disorders contribute significantly to the decision by nurses and
17 other health care workers to leave their professions, which
18 exacerbates the shortage of health care providers in this State;

19 c. Studies show that manual patient handling and movement
20 negatively affect patient safety, quality of care and patient comfort,
21 dignity and satisfaction;

22 d. The American Hospital Association has stated that work-
23 related musculoskeletal disorders account for the largest proportion
24 of workers’ compensation costs in hospitals and long-term care
25 facilities;

26 e. Studies demonstrate that assistive patient handling technology
27 reduces workers’ compensation and medical treatment costs for
28 musculoskeletal disorders among health care workers, and that
29 employers can recoup their initial investment in equipment and
30 training within three years;

31 f. Therefore, it is appropriate public policy to require the use of
32 assistive patient handling technology as set forth in this act.

33

34 3. As used in this act:

35 “Assisted patient handling” means patient handling using:
36 mechanical patient handling equipment including, but not limited
37 to, electric beds, portable base and ceiling track-mounted full body
38 sling lifts, stand assist lifts, and mechanized lateral transfer aids;
39 and patient handling aids including, but not limited to, gait belts
40 with handles, sliding boards and surface friction-reducing devices.

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

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

47 “Patient” means a patient or resident at a covered health care
48 facility.

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

3 “Safe patient handling policy” means a written policy to
4 minimize unassisted patient handling in all cases, and eliminate
5 such handling, when feasible, by maximizing the use of assisted
6 patient handling.

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

10

11 4. Within 18 months of the effective date of this act, each
12 covered health care facility shall establish a safe patient handling
13 program to reduce the risk of injury to both patients and health care
14 workers at the facility.

15 a. The facility shall:

16 (1) maintain a detailed written description of the program and its
17 components;

18 (2) provide a copy of the written description to the Department
19 of Health and Senior Services or Department of Human Services, as
20 applicable, and make the description available to health care
21 workers at the facility and to any collective bargaining agent
22 representing health care workers at the facility;

23 (3) post the safe patient handling policy in a location easily
24 visible to staff, patients, and visitors; and

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

28 b. A safe patient handling program shall include:

29 (1) a safe patient handling policy on all units and for all shifts
30 that, consistent with patient safety and well-being, restricts
31 unassisted patient handling of all or most of a patient's weight to
32 situations where a patient is in need of immediate attention or
33 where the use of assisted patient handling would jeopardize the
34 safety of the patient;

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

37 (3) the purchase of safe patient handling equipment and patient
38 handling aids necessary to carry out the safe patient handling
39 policy;

40 (4) protocols and procedures for assessing and updating the
41 appropriate patient handling requirements of each patient of the
42 facility;

43 (5) a plan for assuring prompt access to and availability of
44 mechanical patient handling equipment and patient handling aids on
45 all units and all shifts;

46 (6) a provision requiring that all such equipment and aids be
47 stored and maintained in compliance with their manufacturers'
48 recommendations;

- 1 (7) a training program for health care workers that:
2 (a) covers the identification, assessment, and control of patient
3 handling risks; the safe, appropriate, and effective use of patient
4 handling equipment and aids, and proven safe patient handling
5 techniques;
6 (b) requires trainees to demonstrate proficiency in the techniques
7 and practices presented;
8 (c) is provided during paid work time; and
9 (d) is conducted upon commencement of the facility's safe
10 patient handling program and at least annually thereafter, with
11 appropriate interim training for individuals beginning work between
12 annual training sessions; and
13 (8) educational materials for patients and their families to help
14 orient them to the facility's safe patient handling program.
15 c. A facility shall conduct an annual evaluation of the program,
16 and make revisions to the program based on data analysis and
17 feedback from the facility's health care workers.
18 d. A facility shall purchase the equipment and aids determined
19 necessary to carry out its safe patient handling policy and conduct
20 the initial training as required in this section within 24 months of
21 the effective date of this act.
22
23 5. a. Within 12 months of the effective date of this act, each
24 covered health care facility shall establish a safe patient handling
25 committee, which shall be responsible for all aspects of the
26 development, implementation and periodic evaluation and revision
27 of the facility's safe patient handling program, including the
28 evaluation and selection of patient handling equipment and aids and
29 other appropriate engineering controls.
30 b. At least 50% of the members of the committee shall be health
31 care workers who provide direct patient care to patients at the
32 facility or are otherwise involved in patient handling at the facility.
33 In a facility where health care workers are represented by a
34 collective bargaining agent, the collective bargaining agent shall
35 select the health care worker committee members.
36 The remaining members of the committee shall have experience,
37 expertise, or responsibility relevant to the operation of a safe patient
38 handling program.
39 c. A health care system with more than one covered health care
40 facility shall have a committee at each facility.
41 d. The committee shall meet at least monthly.
42
43 6. A covered health care facility shall not retaliate against any
44 health care worker because that worker refuses to perform a patient
45 handling task due to a reasonable concern about worker or patient
46 safety, or the lack of appropriate and available patient handling
47 equipment or aids.

- 1 handling using: mechanical patient handling equipment including,
2 but not limited to, electric beds, portable base and ceiling track-
3 mounted full body sling lifts, stand assist lifts, and mechanized
4 lateral transfer aids; and patient handling aids including, but not
5 limited to, gait belts with handles, sliding boards and surface
6 friction-reducing devices;
- 7 • the purchase of safe patient handling equipment and patient
8 handling aids necessary to carry out the safe patient handling
9 policy;
 - 10 • protocols and procedures for assessing and updating the
11 appropriate patient handling requirements of each patient of the
12 facility;
 - 13 • a plan for assuring prompt access to and availability of
14 mechanical patient handling equipment and patient handling aids
15 on all units and all shifts;
 - 16 • a provision requiring that all such equipment and aids be stored
17 and maintained in compliance with their manufacturers
18 recommendations;
 - 19 • a training program for health care workers, as specified in the
20 bill; and
 - 21 • educational materials for patients and their families to help orient
22 them to the facility's safe patient handling program.

23 The bill directs a facility to conduct an annual evaluation of the
24 program, and make revisions to the program based on data analysis
25 and feedback from the facility's health care workers. Also, a
26 facility would be required to purchase the equipment and aids
27 determined necessary to carry out its safe patient handling policy
28 and conduct the initial training within 24 months of the date of
29 enactment of the bill.

30 The bill would also require a facility, within 12 months, to
31 establish a safe patient handling committee. The committee would
32 be responsible for all aspects of the development, implementation
33 and periodic evaluation and revision of the facility's safe patient
34 handling program, including the evaluation and selection of patient
35 handling equipment and aids and other appropriate engineering
36 controls. At least one-half of the members of the committee shall
37 be health care workers who provide direct patient care to patients at
38 the facility or are otherwise involved in patient handling at the
39 facility. The remaining members of the committee shall have
40 experience, expertise, or responsibility relevant to the operation of a
41 safe patient handling program.

42 The bill provides that a health care facility shall not retaliate
43 against any health care worker because that worker refuses to
44 perform a patient handling task due to a reasonable concern about
45 worker or patient safety, or the lack of appropriate and available
46 patient handling equipment or aids.

47 Also, the bill provides that the Commissioner of Health and
48 Senior Services shall provide training to health care facilities, at no

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1 cost, on how to develop and implement a safe patient handling
2 program.

3 Finally, the bill provides that a health care facility licensed
4 pursuant to N.J.S.A.26:2H-1 et seq. that is in violation of the
5 provisions of this bill shall be subject to such penalties as the
6 Department of Health and Senior Services may determine pursuant
7 to N.J.S.A.26:2H-13 and 26:2H-14.