ASSAMLY, No. 3546

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED NOVEMBER 15, 1999

Sponsored by:
Assemblyman ALAN M. AUGUSTINE
District 22 (Middlesex, Morris, Somerset and Union)
Assemblywoman BARBARA WRIGHT
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Assemblymen Bagger, Biondi, Conaway, Conners, Assemblywoman Crecco, Assemblymen Felice, Gusciora, Assemblywoman Murphy, Assemblyman Wolfe, Senators Vitale, Bennett, Turner, Furnari, Baer, Girgenti, Sinagra, Allen and Inverso

SYNOPSIS
Requires health care facilities to use certain safety needles and other sharp devices.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 12/14/1999)
AN ACT concerning the use of needles and other sharp devices in health care facilities and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:
   a. The use of conventional needles results in increased risk of HIV infection and hepatitis B and C to health care workers;
   b. Each year, from 150 to 200 health care workers die and many suffer chronic and debilitating diseases due to needle stick injuries;
   c. Equipment exists to prevent most injuries that result from needle stick injuries but overall concern with cutting health care costs has impeded the widespread use of advanced, safer technology; and
   d. Newer, safer needle technology should be adopted in health care facilities.

2. As used in this act:
   "Commissioner" means the Commissioner of Health and Senior Services.
   "Department" means the Department of Health and Senior Services.
   "Needle stick injury" means the parenteral introduction into the body of a health care worker of blood or other potentially infectious material by a needle or other sharp device during the worker's performance of health care duties in a health care facility.

3. a. No later than 12 months after the date of enactment of this act, the commissioner shall require that a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) use only needles and other sharp devices with integrated safety features, which needles and other sharp devices have been cleared or approved for marketing by the federal Food and Drug Administration and are commercially available for distribution.
   b. By a date established by the commissioner by regulation, but no later than 36 months after the date of enactment of this act, the requirements of subsection a. of this section shall also apply to pre-filled syringes, as that term is defined by the commissioner by regulation pursuant to this act.
   c. No later than six months after the date of enactment of this act, the commissioner shall develop evaluation criteria for use by an evaluation committee established pursuant to subsection a. of section 4 of this act in selecting needles and other sharp devices for use by a health care facility.
   d. In the event that there is no cleared or approved for marketing product with integrated safety features for a specific patient use, the
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licensed health care facility shall continue to use the appropriate needle
or other sharp device that is available, including any needle or other
sharp device with non-integrated, add-on safety features, until such
time as a product with integrated safety features is cleared or approved
for marketing and is commercially available for that specific patient
use.

e. No later than six months after the date of enactment of this act,
the commissioner shall develop and make available to health care
facilities a standardized form that shall be used by health care
professionals and the health care facility’s evaluation committee for
applying for a waiver and in reviewing a request for a waiver,
respectively, and for reporting the use of a needle or other sharp
device without integrated safety features in an emergency situation by
a health care professional, pursuant to the provisions of subsection d.
of section 4 of this act.

4. A health care facility shall:

a. Establish an evaluation committee in which at least half of the
members are direct-care health care workers who shall select needles
and other sharp devices from each class of needle or other sharp
device for which the commissioner has developed evaluation criteria
pursuant to subsection c. of section 3 of this act;

b. Provide for education and training, as appropriate, in the use of
designated needles and other sharp devices;

c. Develop a mechanism to continually review and evaluate newly
introduced needles and other sharp devices available in the
marketplace for use in a health care facility;

d. Establish a waiver procedure for health care professionals
wherein a health care professional practicing at the health care facility
may request the evaluation committee to grant the professional a
waiver from the requirements of subsection a. or b. of section 3 of this
act for a specific product that will be used for a specific medical
procedure that shall be performed on a specific class of patients. The
evaluation committee shall grant a waiver if it determines that use of
a needle or other sharp device with integrated safety features
potentially may have a negative impact on patient safety or the success
of a specific medical procedure.

A health care professional may use a needle or other sharp device
without integrated safety features in an emergency situation, without
obtaining a waiver from the evaluation committee, if the professional
determines that use of a needle or other sharp device with integrated
safety features potentially may have a negative impact on patient safety
or the success of a specific medical procedure, and the professional
notifies the evaluation committee, in writing, within five days of the
date the needle or other sharp device was used of the reasons why
that needle or other sharp device was necessary.
The use of a needle or other sharp device that does not meet the requirements of subsection a. or b. of section 3 of this act shall be permitted under this act if it is used in accordance with the requirements of this subsection;

e. Record needle stick injuries in a Sharps Injury Log or an OSHA 200 Log, and shall include in the log a description of the injury, including the type and brand name of the needle or other sharp device involved in the injury; and

f. Report to the department quarterly, in a form and manner prescribed by the department: (1) all entries of an injury in a Sharps Injury Log or an OSHA 200 Log; and (2) all waivers granted to health care professionals and the reasons therefor, and all emergency uses by health care professionals of needles and other sharp devices without integrated safety features and the reasons therefor, pursuant to subsection d. of this section.

5. The department shall review the reports submitted by health care facilities pursuant to section 4 of this act on a quarterly basis and shall make recommendations to the respective health care facility for reducing the incidence of needle stick injury, when appropriate.

6. The commissioner shall report annually to the Senate and General Assembly Health Committees on the implementation of this act. The report shall include the number of needle stick injuries, the type and brand names of the needles or other sharp devices involved in the injuries, the number of waivers that were granted and the number of emergency uses of needles or other sharp devices without integrated safety features. The report shall include such recommendations for Legislative action as the commissioner deems appropriate to ensure that the purposes of this act are realized.

7. The commissioner, pursuant to the "Administrative Procedure Act," P.L.1968, c.413 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

8. This act shall take effect immediately.

STATEMENT

This bill requires that, no later than 12 months after its date of enactment, the Commissioner of Health and Senior Services shall require that each licensed health care facility use only needles and other sharp devices with integrated safety features, which needles and other sharp devices have been cleared or approved for marketing by the federal Food and Drug Administration (FDA) and that are
commercially available for distribution. Further, by a date established
by the commissioner by regulation, but no later than 36 months after
the date of enactment of this bill, these requirements shall also apply
to pre-filled syringes.

The bill directs the commissioner, no later than six months after the
date of enactment of the bill, to develop evaluation criteria for use by
an evaluation committee established pursuant to this bill in selecting
needles and other sharp devices for use by a health care facility. The
bill provides, however, that in the event that there are no FDA-cleared
or approved products with integrated safety features that are
commercially available for specific patient uses, the licensed health
care facility shall continue to use the appropriate needles and other
sharp devices, including needles or other sharp devices with non-
integrated, add-on safety features, that are available until such time as
products with integrated safety features are cleared or approved for
that specific patient use.

The bill further requires that a health care facility:

• establish an evaluation committee in which at least half of the
  members are direct-care health care workers who shall select
  needles and other sharp devices from each class of needle or other
  sharp device for which the commissioner has developed evaluation
criteria pursuant to this bill;

• provide for education and training, as appropriate, in the use of
designated needles and other sharp devices;

• develop a mechanism to continually review and evaluate newly
  introduced needles and other sharp devices available in the
  marketplace for use in a health care facility;

• establish a waiver procedure for health care professionals wherein
  a health care professional practicing at the health care facility may
  request the evaluation committee to grant the professional a waiver
  from the requirements to use a needle or other sharp device with
  integrated safety features for a specific product that will be used for
  a specific medical procedure that shall be performed on a specific
  class of patients. The evaluation committee is directed to grant a
  waiver if it determines that use of a needle or other sharp device
  with integrated safety features potentially may have a negative
  impact on patient safety or the success of a specific medical
  procedure;

• permit a health care professional to use a needle or other sharp
device without integrated safety features in an emergency situation,
without obtaining a waiver from the evaluation committee, if the
professional determines that use of a needle or other sharp device
with integrated safety features potentially may have a negative
impact on patient safety or the success of a specific medical
procedure, and the professional notifies the evaluation committee,
in writing, within five days of the date the needle or other sharp
device was used of the reasons why that needle or other sharp
device was necessary;

- record needle stick injuries in a Sharps Injury Log or an OSHA 200
Log, and include in the log a description of the injury, including the
type and brand name of the needle or other sharp device involved
in the injury; and

- report to the Department of Health and Senior Services (DHSS),
quarterly, all entries of an injury in a Sharps Injury Log or an
OSHA 200 Log and all waivers granted by the evaluation
committee and all emergency uses of needles and other sharp
devices without integrated safety devices, and the reasons therefor.

The bill stipulates that DHSS shall review the reports of needle
stick injuries submitted by health care facilities on a quarterly basis and
shall make recommendations to the respective health care facility for
reducing the incidence of needle stick injury.

Finally, the bill requires the commissioner to report annually to the
Senate and General Assembly Health Committees on the
implementation of this bill and include in the report the number of
needle stick injuries, the type and brand names of the needles or other
sharp devices involved in the injuries, the number of waivers that were
granted and the number of emergency uses of needles or other sharp
devices without integrated safety features. The report shall include
such recommendations for Legislative action as the commissioner
deems appropriate to ensure that the purposes of this bill are realized.