

2014 -- H 7365

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO HEALTH AND SAFETY -- SAFE PATIENT HANDLING

Introduced By: Representatives Phillips, Casey, Abney, Gallison, and Shekarchi

Date Introduced: February 06, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 23-17-59 of the General Laws in Chapter 23-17 entitled "Licensing  
2 of Health Care Facilities" is hereby amended to read as follows:

3           **23-17-59. Safe patient handling.** -- (a) Definitions. - As used in this chapter:

4           (1) "Safe patient handling" means the use of engineering controls, transfer aids, or  
5 assistive devices whenever feasible and appropriate instead of manual lifting to perform the acts  
6 of lifting, transferring, and/or repositioning health care patients and residents.

7           (2) "Safe patient handling policy" means protocols established to implement safe patient  
8 handling.

9           (3) "Health care facility" means a hospital or a nursing facility.

10          (4) "Lift team" means health care facility employees specially trained to perform patient  
11 lifts, transfers, and repositioning in accordance with safe patient handling policy.

12          (5) "Musculoskeletal disorders" means conditions that involve the nerves, tendons,  
13 muscles, and supporting structures of the body.

14          (b) Licensure requirements. - Each licensed health care facility shall comply with the  
15 following as a condition of licensure:

16          (1) Each licensed health care facility shall establish a safe patient handling committee,  
17 which shall be chaired by a professional nurse or other appropriate licensed health care  
18 professional. A health care facility may utilize any appropriately configured committee to  
19 perform the responsibilities of this section. At least half of the members of the committee shall be

1 hourly, non-managerial employees who provide direct patient care.

2 (2) By July 1, 2007, each licensed health care facility shall develop a written safe patient  
3 handling program, with input from the safe patient handling committee, to prevent  
4 musculoskeletal disorders among health care workers and injuries to patients. As part of this  
5 program, each licensed health care facility shall:

6 (i) By July 1, 2008, implement a safe patient handling policy for all shifts and units of  
7 the facility that will achieve the maximum reasonable reduction of manual lifting, transferring,  
8 and repositioning of all or most of a patient's weight, except in emergency, life-threatening, or  
9 otherwise exceptional circumstances;

10 (ii) Conduct a patient handling hazard assessment. This assessment should consider such  
11 variables as patient-handling tasks, types of nursing units, patient populations, and the physical  
12 environment of patient care areas;

13 (iii) Develop a process to identify the appropriate use of the safe patient handling policy  
14 based on the patient's physical and mental condition, the patient's choice, and the availability of  
15 lifting equipment or lift teams. The policy shall include a means to address circumstances under  
16 which it would be medically contraindicated to use lifting or transfer aids or assistive devices for  
17 particular patients;

18 (iv) Designate and train a registered nurse or other appropriate licensed health care  
19 professional to serve as an expert resource, and train all clinical staff on safe patient handling  
20 policies, equipment, and devices before implementation, and at least annually or as changes are  
21 made to the safe patient handling policies, equipment and/or devices being used;

22 (v) Conduct an annual performance evaluation of the safe patient handling with the  
23 results of the evaluation reported to the safe patient handling committee or other appropriately  
24 designated committee. The evaluation shall determine the extent to which implementation of the  
25 program has resulted in a reduction in musculoskeletal disorder claims and days of lost work  
26 attributable to musculoskeletal disorder caused by patient handling, and include recommendations  
27 to increase the program's effectiveness; and

28 (vi) Submit an annual report to the safe patient handling committee of the facility, which  
29 shall be made available to the public upon request, on activities related to the identification,  
30 assessment, development, and evaluation of strategies to control risk of injury to patients, nurses  
31 and other health care workers associated with the lifting, transferring, repositioning, or movement  
32 of a patient.

33 (3) Nothing in this section precludes lift team members from performing other duties as  
34 assigned during their shift.

1           (4) An employee may, in accordance with established facility protocols, report to the  
2 committee, as soon as possible, after being required to perform a patient handling activity that  
3 he/she believes in good faith exposed the patient and/or employee to an unacceptable risk of  
4 injury. Such employee reporting shall not be cause for discipline or be subject to other adverse  
5 consequences by his/her employer. These reportable incidents shall be included in the facility's  
6 annual performance evaluation.

7           **(b) A health care facility may use a posey restraint to restrain a patient to a bed or chair,**  
8 **provided such use is set forth and incorporated into the facility's safe patient handling policy.**

9           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would allow a health care facility to use a posey restraint to restrain a patient to a  
2 bed or chair.

3           This act would take effect upon passage.

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