

Legislative Issue Brief

H.R 378 -- Safe Patient Handling Legislation

ISSUE: Direct-care registered nurses rank tenth among all occupations for getting musculoskeletal disorders, getting injured at a higher rate than laborers, movers, and truck drivers. In 2004, nurses in the private sector had 8,800 musculoskeletal disorders, most of which (over 7,000) were back injuries. The physical demands of the nursing profession lead many nurses to leave the profession. 52 percent of nurses complain on chronic back pain and 38 percent suffer from pain severe enough to require leave from work. Many nurses suffering back injury do not return to work.

Patients are not at optimum levels of safety while being lifted, transferred, or repositioned manually. Mechanical lift programs can reduce skin tears suffered by patients by threefold, allowing patients a safer means to progress through their care. The development of assistive patient handling equipment and devices has essentially rendered the act of strict manual patient handling unnecessary as a function of nursing care. Application of assistive patient handling technology fulfils an ergonomic approach within the nursing practice by designing and fitting the job or workplace to match the capabilities and limitations of the human body. A growing number of health care facilities have incorporated patient handling technology and have reported positive results. Injuries among nursing staff have dramatically declined since implementing patient handling equipment and devices. As a result, the number of lost work days secondary to injury and staff turnover has declined. Cost-benefit analyses have also shown that assistive patient handling technology successfully reduces workers' compensation costs for musculoskeletal disorders.

Establishing a safe patient handling standard for direct-care registered nurses is a critical component in increasing patient safety, protecting nurses, and addressing the nurse shortage.

STATUS: The UAN worked with Representative John Conyers on legislation that would establish a Federal Safe Patient Handling Standard to prevent musculoskeletal disorders for direct-care registered nurses and other health care providers. On January 10, 2007, Congressman Conyers introduced the **“Nurse and Patient Safety & Protection Act” (H.R. 378)**. This legislation would require OSHA to develop and implement a standard that will eliminate manual lifting of patients by direct-care registered nurses through the use of mechanical devices, except during a declared state of emergency. The legislation also requires hospitals to develop a plan to comply with the standard (with input from RNs), provides protection for

RNs through refusal of assignment and whistleblower provisions, and requires the Secretary to perform audits. Key provisions of the legislation are as follows:

- **Establishes a Federal Safe Patient Handling Standard** - Not later than 1 year after the date of the enactment of this legislation, the Secretary of Labor, acting through the Director the Occupational Safety and Health Administration, shall establish a Federal Safe Patient Handling Standard to prevent musculoskeletal disorders for direct-care registered nurses and other health care provides. This standard shall eliminate manual lifting of patients by direct-care registered nurses and other health care provides, except during a declared state of emergency, through the use of mechanical devices. The standard shall require:
 - (1) all hospitals to comply;
 - (2) hospitals to purchase and use safe patient lift mechanical devices;
 - (3) input from registered nurses and organizations representing RNs in implementing the standard;
 - (4) a program to identify problems and solution regarding safe patient handling;
 - (5) a system to report injuries;
 - (6) training for staff on safe patient handling policies, equipment, and devices at least on an annual basis;
 - (7) evaluation of safe patient handling efforts.

- **Requires a Safe Patient Handling Plan** – Within 6 months of enactment of this legislation, a hospital shall implement a safe patient handling plan that--
 - (A) provides adequate, appropriate, and quality delivery of health care services that protects patient safety and prevents musculoskeletal disorders for direct-care registered nurses and other health care provides; and
 - (B) is consistent with the requirements of the federal safe patient handling standard.
 - (C) requires input by registered nurses employed at the hospital, necessary experts on ergonomics, and organizations representing RNs in implementing the plan.

- **Requires Posting of Information and Audits** – The safe patient handling standard shall require hospitals to post a uniform notice in each unit regarding the standard in a form specified by the Secretary. The standard also requires the Secretary to perform unscheduled audits to ensure compliance.

- **Provides Protection for Nurses and Other individuals** – The legislation provides a refusal of assignment provision and strong whistle blower protection. If a hospital violates these protections, a direct-care registered nurses and other health care provides may bring a cause of action in a U.S. district court or file a complaint with the Secretary.

- **Provides Health Care Facilities with Financial Assistance** – The legislation establishes a grant program that provides financial assistance to cover some or all of the costs of purchasing safe patient handling equipment for health care facilities, such as hospitals, nursing facilities, and outpatient facilities that can prove a financial need. The legislation authorizes \$50 million for these grants.