

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO SAFE PATIENT HANDLING PROTOCOL.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the safe handling of  
2 patients reduces injuries to both patients and health  
3 professionals. Handling patients is an arduous and physically  
4 demanding task for nurses and other clinical health  
5 professionals. Adult patients are difficult to physically  
6 manipulate, lift, or carry. Patients may also be heavy,  
7 combative, unable to cooperate, or have a physical disability  
8 that hinders physical handling. Studies have shown that the  
9 cumulative weight lifted by a single nurse during a typical  
10 eight-hour shift may reach almost two tons; and nineteen  
11 separate stressful physical tasks that nurses and other clinical  
12 health professionals need to perform have been identified.  
13 Despite frequent underreporting, nursing has consistently been  
14 ranked in the top ten occupations for work-related  
15 musculoskeletal disorders with incident rates of 8.8 per one  
16 hundred in hospital settings and 13.5 per one hundred in nursing  
17 home settings. Most of these injuries occur during a planned  
18 physical patient transfer, not during unplanned emergencies. It



1 has been estimated that as many as twelve per cent of nurses are  
2 either terminated or leave the profession due to back injuries.

3 The legislature further finds that prevention of work-  
4 related injuries for nurses and other clinical health  
5 professionals who physically handle patients through a safe  
6 patient handling program will reduce work-related injury leave,  
7 provide more consistent staffing levels, increase job  
8 satisfactions, and generally reduce patient-handling injuries.

9 Unsafe patient handling techniques also cause injuries to  
10 patients including damage to joints, muscles, skin tears due to  
11 friction and shearing movements, and bruising. A limited range  
12 of motion due to old humeral head fractures, shoulder  
13 subluxation, or arthritis may also predispose patients to pain  
14 and further injury when being handled. Patients may also  
15 experience fear of being dropped or loss of dignity during  
16 awkward handling. A patient's lack of mobility may also cause  
17 pressure ulcers and thus the patient needs to be physically  
18 repositioned at least every two hours. Nurses and other  
19 clinical health professionals who physically handle patients may  
20 think twice about maintaining this rigorous and strenuous  
21 schedule for fear of personal injury to themselves.



1           The legislature also finds that the proper implementation  
2 of a safe patient handling program has the potential to reduce  
3 patient length of stay -- a major cost component -- costs of  
4 treating pressure ulcers, patient pain and suffering, work-  
5 related injuries for nurses and other clinical health  
6 professionals who physically handle patients, and legal actions  
7 for malpractice. The implementation of similar safe patient  
8 handling programs has resulted in a decrease in workers'  
9 compensation costs per full-time employee by twenty-nine to  
10 sixty-eight per cent.

11           The purpose of this Act is to require all public and  
12 private hospitals in the State to implement a safe patient  
13 handling program.

14           SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
15 amended by adding a new part to be appropriately designated and  
16 to read as follows:

17                           **"PART . SAFE PATIENT HANDLING PROGRAM**

18           **§321-A Findings.** The legislature finds that:

19           (1) Patients are not at optimum levels of safety while  
20           being lifted, transferred, or repositioned manually.

21           Mechanical lift programs can reduce skin tears

22           suffered by patients by threefold. Nurses, thirty-



1           eight per cent of whom have previous back injuries,  
2           can drop patients if their pain thresholds are  
3           triggered;

4           (2) The physical demands of the nursing profession lead  
5           many nurses to leave the profession. Research shows  
6           that the annual prevalence rate for nursing back  
7           injury is over forty per cent and many nurses who  
8           suffer a back injury do not return to nursing.  
9           Considering the present nursing shortage in Hawaii,  
10          measures must be taken to protect nurses from  
11          disabling injury; and

12          (3) Hawaii private hospitals have made progress toward  
13          implementation of safe patient handling programs that  
14          are effective in decreasing employee injuries. It is  
15          not the intent of this part to place an undue  
16          financial burden on private hospitals.

17          **§321-B Definitions.** As used in this part:

18          "Lift team" means hospital employees specially trained to  
19          conduct patient lifts, transfers, and repositioning using  
20          lifting equipment when appropriate.



1 "Musculoskeletal disorders" means conditions that involve  
2 the nerves, tendons, muscles, and supporting structures of the  
3 body.

4 "Safe patient handling" means the use of engineering  
5 controls, lifting and transfer aids, or assistive devices, by  
6 lift teams or other staff, instead of manual lifting to perform  
7 the acts of lifting, transferring, and repositioning patients  
8 and hospital residents.

9 **§321-C Safe patient handling committee; program;**  
10 **equipment.** (a) By January 1, 2010, each private hospital in  
11 the State shall establish a safe patient handling committee  
12 either by creating a new committee or assigning the functions of  
13 a safe patient handling committee to an existing committee. The  
14 purpose of the committee shall be to design and recommend the  
15 process for implementing a safe patient handling program. At  
16 least half of the members of the safe patient handling committee  
17 shall be frontline nonmanagerial employees who provide direct  
18 care to patients unless membership will adversely affect patient  
19 care.

20 (b) By October 1, 2010, each private hospital in the State  
21 shall establish a safe patient handling program. As part of  
22 this program, each private hospital shall:



- 1 (1) Implement a safe patient handling policy for all  
2 shifts and units of the hospital. Implementation of  
3 the safe patient handling policy may be phased-in with  
4 the acquisition of equipment under subsection (c);
- 5 (2) Conduct a patient handling hazard assessment. The  
6 assessment shall consider such variables as patient-  
7 handling tasks, types of nursing units, patient  
8 populations, and the physical environment of patient  
9 care areas;
- 10 (3) Develop a process to identify the appropriate use of  
11 the safe patient handling policy based on the  
12 patient's physical and medical condition and the  
13 availability of lifting equipment or lift teams. The  
14 policy shall include a means to address circumstances  
15 under which it would be medically contraindicated to  
16 use lifting or transfer aids or assistive devices for  
17 particular patients;
- 18 (4) Conduct an annual performance evaluation of the  
19 program to determine its effectiveness, with the  
20 results of the evaluation reported to the safe patient  
21 handling committee. The evaluation shall determine  
22 the extent to which implementation of the program has



1           resulted in a reduction in musculoskeletal disorder  
2           claims and days of lost work attributable to  
3           musculoskeletal disorder caused by patient handling,  
4           and include recommendations to increase the program's  
5           effectiveness; and

6           (5) When developing architectural plans for constructing  
7           or remodeling a hospital or a unit of a hospital in  
8           which patient handling and movement occurs, consider  
9           the feasibility of incorporating patient handling  
10          equipment or the physical space and construction  
11          design needed to incorporate that equipment at a later  
12          date.

13          (c) By January 30, 2013, each private hospital in the  
14          State shall complete, at a minimum, acquisition of their choice  
15          of:

16          (1) One readily available lift per acute care unit on the  
17          same floor unless the safe patient handling committee  
18          determines a lift is unnecessary in the unit;

19          (2) One lift for every ten acute care available inpatient  
20          beds; or



1 (3) Equipment for use by lift teams. Hospitals shall  
2 train staff on policies, equipment, and devices at  
3 least annually.

4 (d) Nothing in this section precludes lift team members  
5 from performing other duties as assigned during their shift.

6 (e) Each private hospital shall develop procedures for  
7 hospital employees to refuse to perform or be involved in  
8 patient handling or movement that the hospital employee believes  
9 in good faith will expose a patient or a hospital employee to an  
10 unacceptable risk of injury. Each hospital employee who in good  
11 faith follows the procedure developed by the hospital in  
12 accordance with this subsection shall not be the subject of  
13 disciplinary action by the hospital for the refusal to perform  
14 or be involved in the patient handling or movement."

15 SECTION 3. Chapter 323F, Hawaii Revised Statutes, is  
16 amended by adding a new part to be appropriately designated and  
17 to read as follows:

18 "PART . SAFE PATIENT HANDLING PROGRAM

19 §323F-A Findings. The legislature finds that:

20 (1) Patients are not at optimum levels of safety while  
21 being lifted, transferred, or repositioned manually.

22 Mechanical lift programs can reduce skin tears





1           suffered by patients by threefold. Nurses, thirty-  
2           eight per cent of whom have previous back injuries,  
3           can drop patients if their pain thresholds are  
4           triggered;

5           (2) The physical demands of the nursing profession lead  
6           many nurses to leave the profession. Research shows  
7           that the annual prevalence rate for nursing back  
8           injury is over forty per cent and many nurses who  
9           suffer a back injury do not return to nursing.

10          Considering the present nursing shortage in Hawaii,  
11          measures must be taken to protect nurses from  
12          disabling injury; and

13          (3) Hawaii health systems corporation hospitals have made  
14          progress toward implementation of safe patient  
15          handling programs that are effective in decreasing  
16          employee injuries. It is not the intent of this part  
17          to place an undue financial burden on Hawaii health  
18          systems corporation hospitals.

19          **§323F-B Definitions.** As used in this part:

20          "Lift team" means hospital employees specially trained to  
21          conduct patient lifts, transfers, and repositioning using  
22          lifting equipment when appropriate.



1 "Musculoskeletal disorders" means conditions that involve  
2 the nerves, tendons, muscles, and supporting structures of the  
3 body.

4 "Safe patient handling" means the use of engineering  
5 controls, lifting and transfer aids, or assistive devices, by  
6 lift teams or other staff, instead of manual lifting to perform  
7 the acts of lifting, transferring, and repositioning patients  
8 and hospital residents.

9 **§323F-C Safe patient handling committee; program;**

10 **equipment.** (a) By January 1, 2010, each hospital within the  
11 Hawaii health systems corporation shall establish a safe patient  
12 handling committee either by creating a new committee or  
13 assigning the functions of a safe patient handling committee to  
14 an existing committee. The purpose of the committee shall be to  
15 design and recommend the process for implementing a safe patient  
16 handling program. At least half of the members of the safe  
17 patient handling committee shall be frontline nonmanagerial  
18 employees who provide direct care to patients unless membership  
19 will adversely affect patient care.

20 (b) By October 1, 2010, each hospital within the Hawaii  
21 health systems corporation shall establish a safe patient  
22 handling program. As part of this program, each hospital shall:



- 1           (1) Implement a safe patient handling policy for all  
2           shifts and units of the hospital. Implementation of  
3           the safe patient handling policy may be phased-in with  
4           the acquisition of equipment under subsection (c);
- 5           (2) Conduct a patient handling hazard assessment. The  
6           assessment shall consider such variables as patient-  
7           handling tasks, types of nursing units, patient  
8           populations, and the physical environment of patient  
9           care areas;
- 10          (3) Develop a process to identify the appropriate use of  
11          the safe patient handling policy based on the  
12          patient's physical and medical condition and the  
13          availability of lifting equipment or lift teams. The  
14          policy shall include a means to address circumstances  
15          under which it would be medically contraindicated to  
16          use lifting or transfer aids or assistive devices for  
17          particular patients;
- 18          (4) Conduct an annual performance evaluation of the  
19          program to determine its effectiveness, with the  
20          results of the evaluation reported to the safe patient  
21          handling committee. The evaluation shall determine  
22          the extent to which implementation of the program has



1           resulted in a reduction in musculoskeletal disorder  
2           claims and days of lost work attributable to  
3           musculoskeletal disorder caused by patient handling,  
4           and include recommendations to increase the program's  
5           effectiveness; and

6           (5) When developing architectural plans for constructing  
7           or remodeling a hospital or a unit of a hospital in  
8           which patient handling and movement occurs, consider  
9           the feasibility of incorporating patient handling  
10          equipment or the physical space and construction  
11          design needed to incorporate that equipment at a later  
12          date.

13          (c) By January 30, 2013, each hospital within the Hawaii  
14          health systems corporation shall complete, at a minimum,  
15          acquisition of their choice of:

16          (1) One readily available lift per acute care unit on the  
17          same floor unless the safe patient handling committee  
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19          (2) One lift for every ten acute care available inpatient  
20          beds; or



1 (3) Equipment for use by lift teams. Hospitals shall  
2 train staff on policies, equipment, and devices at  
3 least annually.

4 (d) Nothing in this section precludes lift team members  
5 from performing other duties as assigned during their shift.

6 (e) Each hospital within the Hawaii health systems  
7 corporation shall develop procedures for hospital employees to  
8 refuse to perform or be involved in patient handling or movement  
9 that the hospital employee believes in good faith will expose a  
10 patient or a hospital employee to an unacceptable risk of  
11 injury. Each hospital employee who in good faith follows the  
12 procedure developed by the hospital in accordance with this  
13 subsection shall not be the subject of disciplinary action by  
14 the hospital for the refusal to perform or be involved in the  
15 patient handling or movement."

16 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Rosaly H Baker  
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**Report Title:**

Safe Patient Handling Protocol; Committee; Program

**Description:**

Requires each private hospital in the State and each community hospital within the Hawaii health systems corporation to establish a safe patient handling committee by 01/01/2010 and a safe patient handling program by 10/01/2010.

