

HOUSE No. 4039

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to safe patient handling in certain health facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by inserting after section 91C the following section:-

3 Section 91D. As used in this section, the following words, shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Acute-care hospital”, any hospital licensed pursuant to sections 51 and 52 and the
6 teaching hospital of the university of Massachusetts medical school, which contains a majority of
7 medical-surgical, pediatric, obstetric, and maternity beds, as defined by the department.

8 “Department”, the department of public health.

9 “Health care facility”, any acute care hospital as defined above, any licensed private,
10 public or state-owned and operated general acute care rehabilitation hospital or unit, any licensed
11 private, public or state-owned and operated general acute care psychiatric hospital or unit, any
12 nursing home as defined in section 71 and any long term care facility as defined in section 71.

13 “Health care worker”, any health facility personnel or lift team member who lifts,
14 transfers, or repositions patients or equipment.

15 “Hospital”, any institution, however named, whether conducted for charity or for profit,
16 which is advertised, announced, established or maintained for the purpose of caring for persons
17 admitted thereto for diagnosis, medical, surgical, or restorative treatment which is rendered
18 within said institution.

19 “Lift team”, health care facility employees specially trained to handle patient lifts,
20 transfers, and repositioning using lifting equipment when appropriate and precluded from
21 performing other duties.

22 “Lifting and transferring process”, a system whereby patients and situations are identified
23 based on the potential risk of injury to the patient or health care worker from lifting, transferring,
24 or moving that patient.

25 “Long term care facility ”, any institution, however named, whether conducted for charity
26 or profit, which is advertised, announced or maintained for the express or implied purpose of
27 caring for four or more persons admitted thereto for nursing or convalescent care, as defined in
28 section 71.

29 “Needs assessment”, an evaluation of lift and transfer needs, resources, and capabilities
30 with recommendations on procedures to be followed and resources available to lift and transfer
31 patients safely.

32 “NIOSH RWL ”, 35 pound or current maximum recommended weight lift limit, a
33 standard calculated by the national institute for occupational safety and health, as described in
34 the Centers for Disease Control and Prevention’s DHHS (NIOSH) Publication No. 94-110.

35 “Nursing home”, any institution, however named, whether conducted for charity or
36 profit, which is advertised, announced or maintained for the express or implied purpose of caring
37 for four or more persons admitted thereto for nursing or convalescent care, as defined in section
38 71.

39 “Patient”, an individual who receives health services at a hospital, health care facility, or
40 long term care facility.

41 “ Patient care ergonomic evaluation ”, evaluation performed in all direct patient care
42 areas including but not limited to acute care, critical care, rehabilitation, radiology, operating
43 room, urgent care, therapy departments, long term care, outpatient service, etc. following
44 guidance from the OSHA Nursing Home Guidelines, VA Patient Care Ergonomic Guidelines , or
45 other accepted guidance document to identify ergonomic control measures for decreasing risk of
46 injury from patient handling and moving activities.

47 “Qualified personnel”, person(s) accountable and responsible for the ongoing education
48 and knowledge of patient needs assessment, engineering equipment and patient ergonomics.

49 “Resident”, an individual who resides in a long term care facility.

50 “Safe patient handling policy”, a written statement describing the replacement of manual
51 lifting and transferring of patients and equipment with powered transfer devices, lifting devices,
52 or lift teams, consistent with a needs assessment and mandating the replacement of manual

53 lifting and transferring of patients with techniques using current patient handling equipment or
54 technology to lift patients unless specifically contraindicated for a patient's condition or medical
55 status. Such technology and equipment includes, but is not limited to mechanical lifting devices ,
56 lateral transfer aids, friction reducing devices, fast electric beds, motorized beds, and other
57 equipment, consistent with clinical unit/area patient care ergonomic evaluation
58 recommendations. Such policy shall also require the use of individual patient handling
59 assessments for each patient or resident requiring assistance.

60 Within six months of the date of enactment, each health care facility shall establish a safe
61 patient handling committee through the creation of a new committee or by assigning the
62 functions of a safe patient handling committee to an existing committee. The purpose of the
63 committee is to design and recommend the process for implementing a safe patient handling
64 program and to oversee the implementation of the program. At least half the members of the
65 safe patient handling committee shall be frontline non-managerial employees who provide direct
66 care to patients and shall include but not be limited to nurses, laundry, maintenance and infection
67 control employees.

68 By December 1, 2017, the governing body of a hospital or the quality assurance
69 committee of a nursing home shall adopt and ensure implementation of a safe patient handling
70 program to identify, assess, and develop strategies to control risk of injury to patients and health
71 care workers associated with the lifting, transferring, repositioning, or movement of a patient or
72 equipment, such that manual lifting or transfer of patients is minimized in all cases and
73 eliminated when feasible and manual patient handling or movement of all or most of a patient's
74 weight is restricted to emergency, life-threatening, or otherwise exception circumstances. As
75 part of this program each facility must:

76 (1) Conduct a comprehensive analysis of the risk of injury to both patients and health
77 care workers posed by the patient handling needs of the patient populations served by the
78 hospital or nursing home and the physical environment in which patient and equipment handling
79 and movement occurs, through:

80 (a) Evaluation of alternative ways to reduce risks associated with patient and equipment
81 handling, including evaluation of equipment and patient care and patient support
82 environments;

83 (b) Conduct of individual patient care ergonomic evaluations in all patient care areas,
84 following guidance from the OSHA Nursing Home Guidelines, VA Patient Care
85 Ergonomic Guidelines, or other accepted guidance document, to identify ergonomic
86 control measures for decreasing risk of injury from patient handling and moving
87 activities;

88 (c) Development and implementation of safe patient handling policies based on the
89 needs of all shifts and units of the facility.

90 (2) Identify and list the type and quantity of patient handling equipment and other
91 equipment required on each clinical unit/area and ensure that the purchase and acquisition of all
92 such equipment is incorporated into the safe patient handling program. Patient handling
93 measures and patient handling equipment or technology shall include but not be limited to
94 mechanical lifting devices, lateral transfer aids, friction reducing devices, fast electric beds, and
95 motorized beds.

96 (3) Provide patient handling equipment or technology as stipulated in section (2) which
97 is appropriate for each clinical area and patient/resident population, to reduce the risk of injury to
98 direct patient care providers and patients or residents.

99 (4) Provide specialized training in safe patient handling by qualified personnel to all
100 health facility personnel and lift team members who lift, transfer, or reposition patients,
101 including but not limited to demonstration of proficiency in safe techniques for lifting or
102 transferring patients and the appropriate use of lifting or transferring devices and equipment.
103 Health care facilities must train staff on policies, equipment, and devices at least annually.

104 (5) Develop procedures for health care workers to refuse to perform or be involved in
105 patient and equipment handling or movement that the worker believes in good faith will expose a
106 patient or a health care worker to an unacceptable risk of injury without subjecting such worker
107 to disciplinary action.

108 (6) Provide for lift team members, where lift teams are employed, to utilize lifting
109 devices and equipment throughout the health care facility to lift patients unless specifically
110 contraindicated for a patient's condition or medical status.

111 (7) Prepare an annual performance evaluation report and submit to the governing body
112 or the quality assurance committee on activities related to the identification, assessment, and
113 development of strategies to control risk of injury to patients and health care workers associated
114 with the lifting, transferring, repositioning, or movement of a patient with statistics on the
115 numbers and types of injury to the facilities health care workers and patients;

116 (8) Track, publish and disseminate upon request annual injury data including: the
117 financial cost of all safe patient and equipment handling injuries suffered by employees and

118 patients; the nature and cause of injury; date, shift, and unit statistics; cost to the institution and
119 to employees and patients; and outcomes; to the extent permitted by privacy regulations.

120 (9) Identify the type and quantity of patient handling equipment and other equipment
121 required and ensure that the purchase of other acquisition of all such equipment is incorporated
122 into the safe patient handling program.

123 By January 30, 2018, health care facilities shall complete the acquisition of safe patient
124 handling equipment determined to be required by their safe patient handling committee. Such
125 equipment will include, though not be limited to: (a) at least one readily available lift per unit on
126 each unit where patients will weigh 35 pounds or the current maximum recommended weight lift
127 limit for patients by NIOSH RWL, unless the facility's safe patient handling committee
128 determines that more lifts are required on the unit; (b) one lift for every ten beds; or (c)
129 equipment for use by lift teams.

130 The development of architectural plans for constructing or remodeling a health care
131 facility or a unit of a health care facility must incorporate patient handling equipment and the
132 construction design needed to accommodate such equipment.