

By: Zaffirini

S.B. No. 1525

A BILL TO BE ENTITLED

AN ACT

relating to safe patient handling and movement practices of nurses in hospitals and nursing homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 256 to read as follows:

CHAPTER 256. SAFE PATIENT HANDLING AND MOVEMENT PRACTICES

Sec. 256.001. DEFINITIONS. In this chapter:

(1) "Hospital" means a general or special hospital, as defined by Section 241.003, a private mental hospital licensed under Chapter 577, or another hospital that is maintained or operated by the state.

(2) "Nursing home" means an institution licensed under Chapter 242.

Sec. 256.002. REQUIRED SAFE PATIENT HANDLING AND MOVEMENT COMMITTEE. (a) The governing body of a hospital or nursing home shall appoint a safe patient handling and movement practices committee to identify, assess, and develop strategies to control risk of injury to patients and nurses associated with the lifting, transferring, repositioning, or movement of a patient. The committee may function as a subcommittee of an existing safety committee so long as the requirements of this section are met.

(b) The committee must include a majority of representatives that are nurses involved in patient handling and

1 movement. The remaining members of the committee should be persons
2 with expertise and experience relevant to safe patient handling and
3 movement practices including health care management, purchasing,
4 risk management, or occupational safety and health
5 representatives.

6 (c) The committee shall:

7 (1) analyze the risk of injury to both patients and
8 nurses posed by the patient handling needs of the patient
9 populations served by the hospital or nursing home and the physical
10 environment in which patient handling and movement occurs;

11 (2) educate nurses in the identification, assessment,
12 and control of risks of injury to patients and nurses during patient
13 handling;

14 (3) evaluate alternative ways to reduce risks
15 associated with patient handling including evaluation of equipment
16 and the environment;

17 (4) maintain a patient handling injury log for use
18 during the review required by Subdivision (5); and

19 (5) review, at least annually, actual experience with
20 injuries during patient handling, and develop strategies to further
21 reduce the risk of injury during patient handling.

22 Sec. 256.003. RESTRICTION ON MANUAL PATIENT HANDLING. A
23 hospital or nursing home shall restrict, to the extent feasible
24 with existing equipment and aids, manual patient handling or
25 movement of all or most of a patient's weight to emergency,
26 life-threatening, or otherwise exceptional circumstances.

27 Sec. 256.004. PROCEDURES FOR NURSES. A hospital or nursing

1 home shall establish procedures for nurses to refuse to perform or
2 be involved in patient handling or movement that the nurse believes
3 in good faith will expose a patient or a nurse to an unacceptable
4 risk of injury. The hospital or nursing home may not retaliate
5 against a nurse who follows the procedure.

6 Sec. 256.005. CONSTRUCTION OR REMODELING. In developing
7 architectural plans for constructing or remodeling a hospital or
8 nursing home or a unit of a hospital or nursing home in which
9 patient handling and movement occurs, the governing body of a
10 hospital or nursing home should evaluate the feasibility of
11 incorporating patient handling equipment or the physical space and
12 construction design needed to incorporate that equipment at a later
13 date.

14 SECTION 2. This Act takes effect September 1, 2005.