

By: Gallegos

S.B. No. 1990

A BILL TO BE ENTITLED

AN ACT

relating to safe patient handling and health care worker injury prevention policies for certain hospitals.

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

SECTION 1. Subtitle C, Title 4, Health and Safety Code, is amended by adding Chapter 266 to read as follows:

CHAPTER 266. SAFE PATIENT HANDLING AND HEALTH CARE WORKER INJURY PREVENTION

Sec. 266.001. DEFINITIONS. In this chapter:

(1) "Health care worker" means a person who furnishes health care services in direct patient care situations under a license, certificate, or registration issued by this state or a person providing direct patient care in the course of a training or educational program.

(2) "Zero-lift policy" means a policy designed to promote patient safety and reduce back and musculoskeletal injury among health care workers by replacing unassisted manual lifting, repositioning, and transferring of patients with special procedures, including the use of body mechanics techniques, special devices or equipment, or specialized lift teams as needed.

Sec. 266.002. APPLICABILITY. This chapter applies to a hospital owned and operated by a municipality or county or jointly by a municipality and county.

Sec. 266.003. PATIENT HANDLING AND INJURY PREVENTION. (a)

1 A hospital to which this chapter applies shall implement a safe
2 patient handling and health care worker injury prevention policy.

3 At a minimum, the policy shall include:

4 (1) a zero-lift policy, based on generally accepted
5 occupational and safety guidelines;

6 (2) a training program to educate health care workers
7 employed by the hospital in the zero-lift policy procedures;

8 (3) special additional training requiring health care
9 workers who participate in specialized lift teams to demonstrate
10 proficiency in the zero-lift policy procedures; and

11 (4) a needs-assessment procedure based on generally
12 accepted occupational safety guidelines for use in determining when
13 the lifting, repositioning, or transfer of a patient has the
14 potential to place the patient or a health care worker at high risk
15 of injury and requires the use of zero-lift policy procedures.

16 (b) A health care worker may, without using zero-lift policy
17 procedures, lift, reposition, or transfer a patient who, according
18 to the hospital's needs-assessment procedure, does not present a
19 significant risk of injury to the patient or a health care worker
20 not using zero-lift policy procedures.

21 (c) Notwithstanding this section, a health care worker may
22 not use zero-lift techniques, devices, or equipment to lift,
23 reposition, or transfer a patient if the patient's condition or
24 medical status specifically contraindicates doing so.

25 (d) This section does not prevent a health care worker who
26 participates in a specialized lift team from performing other
27 duties during the same shift.

1 Sec. 266.004. RETALIATION PROHIBITED. A hospital to which
2 this section applies may not suspend, terminate, or otherwise
3 discipline or discriminate against a health care worker who refuses
4 to lift, reposition, or transfer a patient without the use of
5 zero-lift techniques, devices, or equipment due to concerns about
6 the risk of injury to the patient or a health care worker.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.