

By: Gallegos

S.B. No. 1990

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

CHAPTER 266. SAFE PATIENT HANDLING AND HEALTH CARE WORKER INJURY

PREVENTION

9 Sec. 266.001. DEFINITIONS. In this chapter:

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

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

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

S.B. No. 1990

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.

S.B. No. 1990

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.