

By: N. Gonzalez of El Paso

H.B. No. 1829

A BILL TO BE ENTITLED

AN ACT

relating to safe patient handling and movement practices at hospitals and nursing homes.

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

SECTION 1. Section 256.002(b), Health and Safety Code, is amended to read as follows:

(b) The policy shall ~~[establish a process that, at a minimum, includes]~~:

(1) include an analysis of the risk of injury to ~~both~~ patients, ~~and~~ nurses, and other direct-care staff members posed by the patient handling needs of the patient populations served by the hospital or nursing home and the physical environment in which patient handling and movement occurs;

(2) require education of nurses and other direct-care staff members in the identification, assessment, and control of risks of injury to patients, ~~and~~ nurses, and other direct-care staff members during patient handling and movement, including training on:

(A) the proper use of lifting devices and equipment;

(B) proper manual lifting technique;

(C) the benefit of team lifts and potential risks of single-person lifts; and

(D) ~~(3) evaluation of~~ alternative ways to

1 reduce risks associated with patient handling, including the use  
2 [~~evaluation~~] of equipment for moving patients and the use of the  
3 environment;

4 (3) restrict [~~(4) restriction~~], to the extent  
5 feasible with existing equipment and aids, [~~of~~] manual patient  
6 handling or movement of all or most of a patient's weight to  
7 emergency, life-threatening, or otherwise exceptional  
8 circumstances;

9 (4) provide for [~~(5)~~] collaboration with and annual  
10 report to the nurse staffing committee;

11 (5) prohibit retaliation or discrimination against a  
12 nurse or other direct-care staff member who refuses [~~(6) procedures~~  
13 ~~for nurses to refuse~~] to perform or be involved in patient handling  
14 or movement that the nurse or other direct-care staff member  
15 believes in good faith will expose a patient or a nurse or other  
16 direct-care staff member to an unacceptable risk of injury;

17 (6) require [~~(7)~~] submission of an annual report to  
18 the governing body or the quality assurance committee on activities  
19 related to the identification, assessment, and development of  
20 strategies to control risk of injury to patients, [~~and~~] nurses, and  
21 other direct-care staff members associated with the lifting,  
22 transferring, repositioning, or movement of a patient; and

23 (7) [(8)] in the development of [~~developing~~]  
24 architectural plans for constructing or remodeling a hospital or  
25 nursing home or a unit of a hospital or nursing home in which  
26 patient handling and movement occurs, require consideration of the  
27 feasibility of incorporating patient handling equipment or the

1 physical space and construction design needed to incorporate that  
2 equipment at a later date.

3 SECTION 2. A hospital or nursing home shall adopt and  
4 implement a policy required by Section 256.002(b), Health and  
5 Safety Code, as amended by this Act, not later than January 1, 2014.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2013.