

By: N. Gonzalez of El Paso

H.B. No. 1829

A BILL TO BE ENTITLED

1 AN ACT
2 relating to safe patient handling and movement practices at
3 hospitals and nursing homes.

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

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

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

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

13 (2) require education of nurses and other staff in
14 the identification, assessment, and control of risks of injury to
15 patients and nurses during patient handling and movement, including
16 training on:

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

19 (B) proper manual lifting technique;

20 (C) the five areas of body exposure, including
21 vertical, lateral, bariatric, repositioning, and ambulation; and

22 (D) [~~(3) evaluation of~~] alternative ways to
23 reduce risks associated with patient handling, including the use
24 [~~evaluation~~] of equipment for moving patients and the use of the

1 environment;

2 (3) require supervision of a registered nurse of all
3 patient handling or movement, regardless of whether moving
4 equipment is used;

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

9 (5) require any necessary manual patient handling or
10 movement to be conducted by two-person lift teams and prohibit
11 manual patient handling by a staff member acting alone, unless the
12 patient weighs less than 50 pounds;

13 (6) require collaboration with and annual report to
14 the nurse staffing committee;

15 (7) prohibit retaliation or discrimination against a
16 staff member who refuses [~~(6) procedures for nurses to refuse~~] to
17 perform or be involved in patient handling or movement that the
18 staff member [~~nurse~~] believes in good faith will expose a patient or
19 a staff member [~~nurse~~] to an unacceptable risk of injury;

20 (8) implement a quality oversight body within the
21 facility for enforcement of safe patient handling practices;

22 (9) require [~~(7)~~] submission of an annual report to
23 the governing body or the quality assurance committee on activities
24 related to the identification, assessment, and development of
25 strategies to control risk of injury to patients and nurses
26 associated with the lifting, transferring, repositioning, or
27 movement of a patient; and

1 (10) [~~8~~] in the development of [~~developing~~]
2 architectural plans for constructing or remodeling a hospital or
3 nursing home or a unit of a hospital or nursing home in which
4 patient handling and movement occurs, require consideration of the
5 feasibility of incorporating patient handling equipment or the
6 physical space and construction design needed to incorporate that
7 equipment at a later date.

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

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