

MARSH INSIGHTS: CAL/OSHA TO ADOPT IMPLEMENTING REGULATION FOR NEW PATIENT/HEALTH CARE WORKER SAFETY ACT

CALIFORNIA AB 1136 EFFECTIVE AS OF
JANUARY 1, 2012

Assembly Bill 1136 (AB1136) known as 'The Hospital Patient and Health Care Worker Injury Protection Act' (Act) is now incorporated into the California Labor Code at Section 6403.5. Originally proposed in 1998, the Act covers the lifting, repositioning, and transfer of patients by health care workers in acute care hospitals.

The act defines a "Health Care Worker" as a lift team member or other staff member responsible for assisting in lifting patients, who is a hospital employee specifically trained to handle patient lifts, repositioning, and transfers using patient transfer, repositioning, and lifting devices as appropriate for the specific patient.

This bill amends the California Occupational Safety and Health Act of 1973; therefore, enforcement will be the responsibility of Cal/OSHA. Cal/OSHA is currently working with employers, employees, and their associations, as well as health and safety professionals to do extensive outreach and training in order to prepare for implementation of this law. Cal/OSHA is working with the Occupational Safety and Health Standards Board to adopt an implementing regulation.

WHAT SHOULD YOU DO NOW?

Until a regulation to implement Labor Code Section 6403.5 is adopted, hospitals should begin a formal process to review their Injury and Illness Prevention Program (IIPP) and determine if their current program effectively addresses hazards associated with patient handling. If Cal/OSHA receives a complaint or a request for consultation, Cal/OSHA will evaluate the employer's program and determine whether the hospital has:

- Adopted an effective safe patient handling policy that will meet the requirements of the new Labor Code.
- Trained personnel from within hospital staff who will perform or supervise patient lifts.



California AB 1136

AB 1136 requires acute care hospitals to maintain a safe patient handling policy for patient care units, and to provide trained lift teams or staff trained in safe lifting techniques in each general acute care hospital. This law does not apply to state correctional, rehabilitation, or State Department of Developmental Services facilities.

Marsh Risk Consulting can assist health care organizations with the steps needed to comply with AB 1136.

- Identified and evaluated hazards related to patient handling.
- Responded, in a timely manner, to correct hazards, such as planning for, purchasing, or installing powered lift equipment to ensure that equipment is readily available to employees who perform lifts, reposition patients, and conduct transfers of patients.
- Established effective procedures for communicating with employees about patient handling hazards.
- Established effective procedures for investigating employee injuries and illnesses, particularly in regards to patient handling.

Also, until a specific patient regulation is adopted, if violations of existing regulations are found during the course of an inspection, Cal/OSHA will issue citations for those violations.

REQUIREMENTS OF THE ACT

Health Care Worker Injury Prevention Plan: As part of the IIPP required by state safety and health rules for all employers, acute care hospital employers must also incorporate a Patient Protection and Health Care Worker Back and Musculoskeletal Injury Prevention component. The plan must include a safe patient handling policy reflected in professional occupational safety guidelines for the protection of patients and health care workers in health care facilities.

Patient Handling Policy: An acute care hospital must maintain a safe patient handling policy at all times for all patient care units. “Safe patient handling policy” means a policy that requires lifting and transferring of patients with powered patient transfer devices, lifting or repositioning devices, or lift teams.

Choosing a Lifting Method or Device: The decision to use particular lifting and transfer methods and devices must be made as appropriate for the specific patient, and be consistent with the employer’s safety policies and the professional judgment and clinical assessment of the registered nurse.

Designated Lift Coordinator: As the coordinator of care, the registered nurse must be responsible for the observation and direction of patient lifts and mobilization, and must participate as needed in patient handling in accordance with the nurse’s job description and professional judgment.



Hospital Back Safety Training: Section 6403.5(b) requires the employer to provide training to health care workers that includes: the appropriate use of lifting devices and equipment; the vertical, lateral, bariatric, repositioning, and ambulation areas of body exposure; and the use of lifting devices to safely handle patients.

Health Care Worker Protections: A health care worker who refuses to lift, reposition, or transfer a patient due to concerns about patient or worker safety, or the lack of trained lift team personnel or equipment, must not, based on the refusal, be the subject of disciplinary action by the hospital or any of its managers or employees.

BENEFITS OF WORKPLACE IMPROVEMENTS

California has joined a number of states in establishing safe patient handling regulations. Benefits have included: reduced patient and employee injuries; reduced total cost of workers' compensation programs; and increased patient and employee satisfaction. Many California acute care and skilled health facilities have already established safe patient handling training programs and related ergonomics programs, and purchased lift equipment and other technologies to reduce the physical demands on health care workers.

HOW MARSH RISK CONSULTING CAN HELP

Our Workforce Strategies Practice's risk control consultants include several Certified Safety Professionals, Certified Healthcare Safety Professionals, and Certified Professional Ergonomists. They can assist health care organizations with the steps needed to comply with AB 1136 by providing services such as:

- Audit of current program
- Plan development and writing of additions to the IIPP
- Facility needs review and appropriate equipment selection
- Lift team and management training

By engaging our experts, health care organizations can be more effective and efficient with regards to patient lifting, enhance their employee health and injury prevention programs, and increase employee and patient satisfaction in the competitive California health care environment.



OTHER INFORMATION:

“Patient Handling and Movement Assessment: A White Paper” from the Facility Guidelines Institute, www.fgiguilines.org/pdfs/FGI_PHAMA_whitepaper_042810.pdf

“A Resource Guide for Implementing a Safe Patient Handling Program in the Acute Care Setting,” www.aohp.org/About/documents/GSBeyond.pdf

“Safe Patient Handling Training for Schools of Nursing,” NIOSH, www.cdc.gov/niosh/docs/2009-127/

“VA Hospital Safe Patient Handling and Movement Guidelines,” Veterans Administration, www.visn8.va.gov/patientsafetycenter/safepatienthandling/

“Safe Patient Handling,” Cal/OSHA, www.dir.ca.gov/dosh/Safe_Patient_Handling.htm

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