

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 572**

1 On page 1 of the printed A-engrossed bill, line 2, after “patients” delete
2 the rest of the line and insert a period.

3 In line 4, after “ORS” delete the rest of the line and delete lines 5 through
4 24 and delete page 2 and insert “654.412 to 654.423.

5 **“SECTION 2. (1) As used in this section:**

6 **“(a) ‘Hospital’ has the meaning given that term in ORS 442.015.**

7 **“(b) ‘Lift equipment’ means a mechanical device or transfer aid**
8 **that is used to lift, transfer or reposition a patient instead of manually**
9 **lifting, transferring or repositioning the patient.**

10 **“(c) ‘Musculoskeletal disorders’ means conditions that involve the**
11 **nerves, tendons, muscles and supporting structures of the body.**

12 **“(d) ‘Safe patient handling policy’ means a written policy, made**
13 **available to all hospital staff who provide direct patient care, regard-**
14 **ing the appropriate use of lift equipment and other assistive devices**
15 **for lifting, transferring and repositioning patients.**

16 **“(e) ‘Safe patient handling program’ means a formal, facility-wide**
17 **program that includes identification, assessment, mitigation and pre-**
18 **vention of risks that contribute to musculoskeletal disorders in hos-**
19 **pital staff who perform manual patient handling tasks.**

20 **“(2) A hospital must have a safe patient handling committee re-**
21 **sponsible for the implementation and monitoring of a safe patient**
22 **handling program. The Department of Consumer and Business Ser-**

1 vices shall prescribe the membership of the committee by rule, in-
2 cluding nurses, certified nursing assistants, patient transporters and
3 others who provide direct care to patients. In developing the program,
4 the committee shall take into account the existing and potential risks
5 to the safe handling of patients, including but not limited to a re-
6 duction in the use of manual lifting, the tasks involved in patient
7 handling, the types of hospital units and the patient populations.

8 “(3) A safe patient handling program must include all of the fol-
9 lowing:

10 “(a) A safe patient handling policy that:

11 “(A) Is implemented for all shifts and in all units of the hospital;

12 “(B) Requires that hospital staff lift, transfer or reposition patients
13 using lift equipment and other assistive devices that are appropriate
14 for the specific patient and the specific task unless the use of the de-
15 vices can be demonstrated to compromise patient care or are medically
16 contraindicated;

17 “(C) Includes a plan for assuring prompt access to and availability
18 of appropriate lift equipment and other assistive devices on all units
19 and during all shifts in which patient handling occurs;

20 “(D) Requires that all lift equipment and other assistive devices be
21 stored and maintained in compliance with the manufacturers’ recom-
22 mendations;

23 “(E) Requires an assessment of a patient’s lifting and handling
24 needs, considering the patient’s physical, cognitive and clinical needs,
25 the patient handling tasks to be performed and the appropriate
26 equipment and processes to be used to handle the patient safely; and

27 “(F) Includes procedures to address the safety of the staff and the
28 patient if a patient refuses to allow hospital staff to use lift equipment
29 or other assistive devices.

30 “(b) A hazard assessment that considers variables such as patient-

1 **handling tasks, types of nursing units, patient populations and the**
2 **physical environment of patient care areas.**

3 **“(c) The purchase of an adequate supply of appropriate lift equip-**
4 **ment and other assistive devices to implement the safe patient handl-**
5 **ing policy. The members of the safe patient handling committee shall**
6 **be involved in the selection of the lift equipment.**

7 **“(d) A requirement for the assessment, communication and doc-**
8 **umentation of a patient’s lifting and handling needs on admission,**
9 **periodically during a shift and prior to performing a patient handling**
10 **task.**

11 **“(e) A requirement for the assignment to a registered nurse, as the**
12 **coordinator of care, of the responsibility for an assessment and plan**
13 **of care that meets the specific patient’s handling needs and a re-**
14 **quirement for the nurse’s participation, as needed, in the patient’s**
15 **handling in accordance with the nurse’s job description and profes-**
16 **sional judgment. The delegation or assignment of a patient handling**
17 **task must be consistent with state laws governing nursing practices.**

18 **“(f) Initial and ongoing training of hospital staff, provided during**
19 **work hours, that requires staff who lift and move patients to demon-**
20 **strate competency in safe patient handling, including but not limited**
21 **to training in:**

22 **“(A) The identification, assessment and control of patient handling**
23 **risks; and**

24 **“(B) The safe, appropriate use of lift equipment and other assistive**
25 **devices according to industry standards.**

26 **“(g) Provision of educational materials to patients and patients’**
27 **families to help orient them to the hospital’s safe patient handling**
28 **program.**

29 **“(h) Posting visible reminders of the safe patient handling policy in**
30 **patient care areas.**

1 “(i) Provision of copies of the safe patient handling policy to hos-
2 pital staff, patients and visitors, upon request.

3 “(4)(a) A hospital must periodically evaluate the safe patient han-
4 dling policy and the implementation of the safe patient handling pro-
5 gram to determine the extent to which the policy and program
6 reduces:

7 “(A) The number of incidents reported by hospital staff of
8 musculoskeletal disorders caused by handling patients; and

9 “(B) The number of days away, restricted or transferred by hospital
10 staff due to musculoskeletal disorders caused by handling patients.

11 “(b) Following each evaluation under this subsection, the safe pa-
12 tient handling committee shall recommend improvements to the safe
13 patient handling policy or program and report the recommendations
14 to the hospital’s governing board.

15 “(5) In any plans for construction or remodeling, a hospital gov-
16 erning board shall incorporate recommendations from the safe patient
17 handling committee regarding lift equipment, other assistive devices
18 and the physical space and construction design necessary to install lift
19 equipment and other assistive devices.

20 “(6) It is an unlawful employment practice under ORS 659A.199 for
21 a hospital to take any retaliatory action against a hospital staff person
22 because the person refuses to perform a patient handling task due to
23 a reasonable concern about the staff person’s or the patient’s safety
24 or the lack of appropriate and available lift equipment or other
25 assistive devices. A hospital staff person refusing to perform a patient
26 handling task under this subsection shall promptly notify the staff
27 person’s supervisor of the refusal and the reason for the refusal.

28 “SECTION 3. A hospital must have in place a safe patient handling
29 policy and program, as described in section 2 of this 2013 Act, no later
30 than February 1, 2017.”.

