

By Senator Dyer

14-1085-99

1                                   A bill to be entitled  
 2           An act relating to safety standards for public  
 3           health care employees; providing definitions;  
 4           requiring that the Department of Health adopt a  
 5           blood-borne-pathogen standard for public  
 6           employees; requiring the use of needleless  
 7           systems and sharps with engineered sharps  
 8           injury protection; requiring that incidents of  
 9           exposure be recorded in a sharps injury log;  
 10          specifying the information to be included in  
 11          the sharps injury log; authorizing the  
 12          Department of Health to include additional  
 13          requirements as part of the  
 14          blood-borne-pathogen standard; requiring that  
 15          the department compile a list of needleless  
 16          systems and sharps with engineered sharps  
 17          injury protection to assist employers in  
 18          complying with the department's standard;  
 19          providing an effective date.  
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 21 Be It Enacted by the Legislature of the State of Florida:  
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 23           Section 1. (1) As used in this section, the term:  
 24           (a) "Blood-borne pathogens" means pathogenic  
 25           microorganisms that are present in human blood and that can  
 26           cause disease in humans, including, but not limited to,  
 27           hepatitis B virus, hepatitis C virus, and human  
 28           immunodeficiency virus.  
 29           (b) "Engineered sharps injury protection" means:  
 30           1. A physical attribute built into a needle device  
 31           used for withdrawing body fluids, accessing a vein or artery,

1 or administering medications or other fluids which effectively  
2 reduces the risk of an exposure incident by a mechanism such  
3 as barrier creation, blunting, encapsulation, withdrawal,  
4 retraction, destruction, or other effective mechanisms; or

5 2. A physical attribute built into any other type of  
6 needle device, or into a non-needle sharp, which effectively  
7 reduces the risk of an exposure incident.

8 (c) "Needleless system" means a device that does not  
9 use needles for:

10 1. The withdrawal of body fluids after initial venous  
11 or arterial access is established.

12 2. The administration of medication or fluids.

13 3. Any other procedure that involves the potential for  
14 an exposure incident.

15 (d) "Public employer" means any employer that employs  
16 public employees who have occupational exposure to blood or  
17 other material that potentially contains blood-borne  
18 pathogens.

19 (e) "Public employee" means an employee of the state  
20 or a political subdivision of the state who is employed in a  
21 health care facility, home health care organization, or other  
22 facility that provides health care services.

23 (f) "Sharp" means any object used or encountered in a  
24 health care setting which can be reasonably anticipated to  
25 penetrate the skin or any other part of the body and to result  
26 in an exposure incident, including, but not limited to, needle  
27 devices, scalpels, lancets, broken glass, broken capillary  
28 tubes, exposed ends of dental wires, dental knives, drills,  
29 and burs.

30 (2) The Department of Health shall adopt a  
31 blood-borne-pathogen standard governing public employees. The

1 standard must be at least as stringent as the standard adopted  
2 by the federal Occupational Safety and Health Administration  
3 and must include, but need not be limited to:

4 (a) A requirement that needleless systems be  
5 implemented and that sharps with engineered sharps injury  
6 protection be used in all facilities that employ public  
7 employees, except in cases where an evaluation committee,  
8 established by the public employer and consisting of a  
9 majority of health care workers, determines by means of an  
10 objective evaluation of products that the use of such devices  
11 will jeopardize the safety of patients or employees with  
12 respect to a specific medical procedure.

13 (b) A requirement that information concerning  
14 incidents of exposure be recorded in a sharps injury log that  
15 includes, but need not be limited to:

- 16 1. The date and time of the exposure incident.  
17 2. The type and brand of sharp involved in the  
18 exposure incident.  
19 3. A description of the exposure incident, which must  
20 include:  
21 a. The job classification of the exposed employee.  
22 b. The department or work area where the exposure  
23 incident occurred.  
24 c. The procedure that the exposed employee was  
25 performing at the time of the incident.  
26 d. How the incident occurred.  
27 e. The body part involved in the exposure incident.  
28 f. If the sharp had engineered sharps injury  
29 protection, whether the protective mechanism was activated,  
30 and whether the injury occurred before the protective  
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1 mechanism was activated, during activation of the mechanism,  
2 or after activation of the mechanism, if applicable.

3 g. If the sharp did not have a form of engineered  
4 sharps injury protection, the injured employee's opinion as to  
5 whether and how such a mechanism could have prevented the  
6 injury, as well as the basis for the opinion.

7 h. The employee's opinion about whether any other  
8 engineering, administrative procedure, or work practice could  
9 have prevented the injury, as well as the basis for the  
10 opinion.

11 (3) The Department of Health shall consider additional  
12 requirements as part of the blood-borne-pathogen standard in  
13 order to prevent sharps injuries or exposure incidents,  
14 including, but not limited to, training and educational  
15 requirements, measures to increase vaccinations, strategic  
16 placement of sharps containers as close to the work area as  
17 practical, and increased use of personal protective equipment.

18 (4) The Department of Health shall compile and  
19 maintain a list of existing needleless systems and sharps with  
20 engineered sharps injury protection, which shall be available  
21 to assist public employers in complying with the requirements  
22 of the blood-borne-pathogen standard adopted under this  
23 section. The list may be developed from existing sources of  
24 information, including, but not limited to, the federal Food  
25 and Drug Administration, the federal Centers for Disease  
26 Control and Prevention, the federal Occupational Safety and  
27 Health Administration, and the United States Department of  
28 Veterans Affairs.

29 Section 2. This act shall take effect July 1, 1999.  
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SENATE SUMMARY

Requires the Department of Health to adopt a blood-borne-pathogen standard for health care employees employed by the state or a political subdivision of the state. Requires that the standard include the use of needleless systems and sharps with engineered sharps injury protection. Requires that incidents of exposure be recorded in a sharps injury log. Authorizes the Department of Health to include additional requirements in the blood-borne-pathogen standard. (See bill for details.)