

1 A bill to be entitled
 2 An act relating to patient handling and moving practices;
 3 creating s. 381.029, F.S.; providing definitions;
 4 requiring hospitals and nursing homes to adopt and
 5 implement a safe patient handling and moving policy and
 6 providing requirements thereof; requiring establishment of
 7 a safe patient handling and moving committee; providing
 8 for the incorporation of patient handling and moving
 9 equipment into certain architectural plans for
 10 construction or remodeling of a hospital or nursing home
 11 or units thereof; requiring the submission of policies and
 12 remodeling plans to the Agency for Health Care
 13 Administration; providing certain protection for employees
 14 of hospitals and nursing homes who report certain
 15 violations or suspected violations; providing rulemaking
 16 authority to the agency; providing an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:
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20 Section 1. Section 381.029, Florida Statutes, is created
 21 to read:

22 381.029 Safe patient handling and moving practices.--

23 (1) As used in this section:

24 (a) "Agency" means the Agency for Health Care
 25 Administration.

26 (b) "Good faith" means that an employee believes that the
 27 information he or she reported or disclosed is true and that a
 28 violation has occurred or may occur.

HB 1177

2006

29 (c) "Hospital" means a facility licensed under chapter
30 395.

31 (d) "Minimal-lift philosophy" means to the greatest extent
32 possible minimizing lifting tasks, encouraging a patient to
33 assist with any lifting or moving activities without
34 exacerbating his or her condition or putting himself or herself
35 at risk, and avoiding any handling that involves manually
36 lifting or moving the whole or a large part of a patient's
37 weight.

38 (e) "Nurse" means a registered nurse, a licensed practical
39 nurse, or an advanced registered nurse practitioner as those
40 terms are defined in s. 464.003.

41 (f) "Nursing home" means a facility licensed under part II
42 of chapter 400.

43 (2) (a) The governing body of a hospital or nursing home
44 shall adopt and ensure implementation of a policy and program to
45 identify, develop, and assess strategies to control the risk of
46 injury to patients and nurses associated with lifting,
47 transferring, repositioning, or moving a patient.

48 (b) The policy shall be consistent with a minimal-lift
49 philosophy and establish a process that, at a minimum, includes:

50 1. Establishment of a safe patient handling and moving
51 committee with the responsibility of implementing a minimal
52 manual lift program in the facility. The committee may be a
53 subcommittee of any already existing committee and shall include
54 in its membership representatives of the bargaining unit, where
55 one is recognized, and members of the nursing staff from various
56 units of the facility.

57 2. Analysis of the risk of injury to patients, nurses, and
58 health care workers posed by the handling and moving needs of
59 the patient populations served by the hospital or nursing home
60 and the physical environment in which patient handling and
61 moving occurs.

62 3. Education of a back injury resource nurse to serve as
63 an expert resource and educational source for all nurses in the
64 identification, assessment, and control of risks of injury to
65 patients and nurses during patient handling and moving.

66 4. Evaluation of alternative ways to reduce risks
67 associated with patient handling and moving, including
68 evaluation of equipment and the environment.

69 5. Establishment of a program that will eliminate manual
70 lifting, repositioning, and moving of patients based on current
71 research and practice.

72 6. Acquisition of, training with, and deployment of
73 sufficient equipment and aids so that manual lifting,
74 repositioning, or moving all or most of a patient's weight is
75 restricted to emergency, life-threatening, or otherwise
76 exceptional circumstances.

77 7. Collaboration between the staffing committee and the
78 nurse and the submission of an annual report to the committee.

79 8. Procedures that a nurse may employ to refuse to perform
80 or be involved in patient handling or moving that the nurse
81 believes in good faith will expose the patient or the nurse to
82 an unacceptable risk of injury.

83 9. Submission of an annual report to the governing body of
84 the hospital or nursing home and the agency on activities

85 related to the identification, assessment, and development of
86 strategies to control risk of injury to patients, nurses, and
87 other health care workers associated with lifting, transferring,
88 repositioning, or moving a patient.

89 10. Publication of the policy and plan for implementation
90 of the program and of the results of an annual evaluation that
91 uses data analysis to measure the success of the program.

92 (3) The feasibility of incorporating patient handling and
93 moving equipment or the physical space and construction design
94 needed to incorporate that equipment at a later date shall be
95 considered in the development of architectural plans for
96 constructing or remodeling a hospital or nursing home or a unit
97 of a hospital or nursing home in which patient handling and
98 moving occurs. The hospital or nursing home shall submit its
99 policy and any plans for remodeling to the agency.

100 (4) A hospital or nursing home may not penalize,
101 discriminate against, or retaliate in any manner against an
102 employee with respect to compensation for, or terms, conditions,
103 or privileges of, employment if such an employee in good faith,
104 individually or in conjunction with another person or persons:

105 (a) Reports a violation or suspected violation of this
106 section to a regulatory agency, private accrediting body, or
107 management personnel of the hospital or nursing home;

108 (b) Initiates, cooperates in, or otherwise participates in
109 an investigation or proceeding brought by a regulatory agency or
110 private accrediting body concerning matters covered by this
111 section;

HB 1177

2006

112 (c) Informs or discusses with any other employee, with any
113 representative of an employee, with a patient or patient
114 representative, or with the public violations or suspected
115 violations of this section; or

116 (d) Otherwise avails himself or herself of the rights set
117 forth in this section.

118 (5) The agency shall develop rules for administering this
119 act that require compliance with policy development and
120 reporting by January 1, 2007, and full implementation of safe
121 handling and moving policies by July 1, 2007.

122 Section 2. This act shall take effect July 1, 2006.