

By Senator Miller

18-1274-06

1 A bill to be entitled
2 An act relating to patient handling; creating
3 s. 381.029, F.S.; providing definitions;
4 requiring the governing body of a hospital or
5 nursing home to adopt a policy regarding the
6 safe movement of patients; providing
7 requirements for the policy; requiring a
8 hospital or nursing home to submit its policy
9 for the safe movement of patients to a patient
10 safety center and the Agency for Health Care
11 Administration; prohibiting a health care
12 facility from retaliating or discriminating
13 against an employee who, in good faith, reports
14 a violation of the act, initiates or
15 participates in an investigation brought by a
16 regulatory agency or accrediting body with
17 regard to a violation of this act, or discusses
18 a violation of this act with certain
19 individuals; providing that an employee is
20 acting in good faith under certain conditions;
21 requiring the agency to adopt rules; providing
22 an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 381.029, Florida Statutes, is
27 created to read:

28 381.029 Safe patient handling and movement
29 practices.--

30 (1) As used in this section, the term:

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1 (a) "Agency" means the Agency for Health Care
2 Administration.
3 (b) "Hospital" means an institution licensed under
4 chapter 395.
5 (c) "Nursing home" means an institution licensed under
6 chapter 400.
7 (2)(a) The governing body of a hospital or nursing
8 home shall adopt and implement a policy and program to
9 identify, assess, and develop strategies to control the risk
10 of injury to patients and nurses associated with the lifting,
11 transferring, repositioning, or movement of a patient.
12 (b) The policy shall be consistent with a minimal-lift
13 philosophy and establish a process that, at a minimum,
14 includes:
15 1. Establishment of a safe patient handling committee
16 with the responsibility of implementing a minimal manual lift
17 program in the facility. The committee can be a subcommittee
18 of an existing committee and shall include in its membership
19 representatives of the bargaining unit if one is recognized
20 and members of the clinical nursing staff from various units
21 of the facility;
22 2. Analysis of the risk of injury to patients, nurses,
23 and health care workers posed by the patient-handling needs of
24 the patient populations served by the hospital or nursing home
25 and the physical environment in which patient handling and
26 movement occurs;
27 3. Education of a back injury resource nurse to serve
28 as an expert resource and to provide education to all clinical
29 nurses in the identification, assessment, and control of risks
30 of injury to patients and nurses during patient handling;
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1 4. Evaluation of alternative ways to reduce risks
2 associated with patient handling, including evaluation of
3 equipment and the environment;

4 5. Establishment of a program that will eliminate
5 unnecessary manual lifting, transferring, and repositioning of
6 patients by implementing models that have shown success in the
7 peer-reviewed science, such as zero lift, minimal lift, or
8 lift team models;

9 6. Acquisition of, training with, and deployment of
10 sufficient equipment and aids so that manual lifting,
11 repositioning, or transfer of all or most of a patient's
12 weight is restricted to emergency, life-threatening, or
13 otherwise exceptional circumstances;

14 7. Collaboration with and submission of an annual
15 report to the nurse staffing committee;

16 8. Procedures for nurses to refuse to perform, or be
17 involved in, patient handling or movement that the nurse
18 believes in good faith will expose a patient or a nurse to an
19 unacceptable risk of injury;

20 9. Submission of an annual report to the governing
21 body of the hospital or nursing home, the patient safety
22 center, and the agency on activities related to the
23 identification, assessment, and development of strategies to
24 control risk of injury to patients, nurses, and other health
25 care workers associated with the lifting, transferring,
26 repositioning, or movement of a patient;

27 10. Publication of the policy, a plan for implementing
28 the program, and publication of the results of an annual
29 evaluation that uses data analysis to measure the success of
30 the program; and

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1 11. Consideration of the feasibility of incorporating
2 patient handling equipment, or the physical space and
3 construction design needed to incorporate that equipment at a
4 later date, when developing architectural plans for
5 constructing or remodeling a hospital or nursing home, or a
6 unit of a hospital or nursing home, in which patient handling
7 and movement occurs.

8 (3) The hospital or nursing home shall submit its
9 policy and any plans for remodeling to the patient safety
10 center and the agency.

11 (4) A health care facility may not penalize,
12 discriminate against, or retaliate in any manner against an
13 employee with respect to compensation for, or terms,
14 conditions, or privileges of, employment if such an employee
15 in good faith, individually or in conjunction with another
16 person or persons:

17 (a) Reports a violation or suspected violation of this
18 section to a regulatory agency, a private accreditation body,
19 or management personnel of the health care facility;

20 (b) Initiates, cooperates in, or otherwise
21 participates in an investigation or proceeding brought by a
22 regulatory agency or private accrediting body concerning
23 matters covered by this section;

24 (c) Informs or discusses violations or suspected
25 violations of this section with any other employee, with any
26 representative of an employee, with a patient or patient
27 representative, or with the public; or

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

30 (5) For purposes of this section, an employee is
31 acting in good faith if the employee reasonably believes that

1 the information reported or disclosed is true and that a
2 violation has occurred or may occur.

3 (6) The agency shall adopt rules for administering
4 this section which require compliance with policy development
5 and reporting by January 1, 2007, and full implementation of
6 safe-lift policies by July 1, 2007.

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

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10 SENATE SUMMARY

11 Requires the governing body of a hospital or nursing home
12 to adopt a policy regarding the safe movement of a
13 patient. Provides requirements for the policy. Requires a
14 hospital or nursing home to submit its policy for the
15 safe movement of a patient to a patient safety center and
16 the Agency for Health Care Administration. Prohibits a
17 health care facility from retaliating or discriminating
18 against an employee who, in good faith, reports a
19 violation of the act, initiates or participates in an
20 investigation brought by a regulatory agency or
21 accrediting body with regard to a violation of this act,
22 or discusses a violation of this act with certain
23 individuals. Provides that an employee is acting in good
24 faith under certain conditions. Requires the agency to
25 adopt rules.
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