



U.S. Federal and State Legislative Update 05/27/2011 Safe Patient Handling/Ergonomics

The attached summary completed by the American Industrial Hygiene Association provides substantial detail regarding state legislative activities regarding ergonomics/safe patient handling. Some of the more significant state and federal actions/inactivity are listed below.

Michigan

On February 24, 2011 the Michigan House of Representatives passed a bill that would prevent state-level administrative rules mandating workplace ergonomics. The bill was passed 69-38 mostly along party lines in the Republican-led House. On March 22, 2011 Gov. Rick Snyder signed it into law. The new law ensures that Michigan can't have stricter ergonomics rules than the federal government. This would prevent the use of administrative rules to require safe patient handling programs.

Illinois

On February 15, 2011 a Bill (H 1684) was introduced amending the Hospital Licensing Act as it relates to safe patient handling policies. It sets forth definitions for safe lifting equipment, accessories, and safe lifting teams. It also makes changes to the provision concerning the minimum requirements of a hospital's policy with regard to strategies to control the risk of injuries to patients, nurses, and other health care workers associated with the lifting, transferring, reposition, or movement of a patient. On May 17, 2011 this bill passed both houses. This is an expansion on current safe patient handling legislation in Illinois.

Federal

Restoring MSD Column to OSHA 300 Log

On May 17, 2011 OSHA re-opened the public record on the proposed record-keeping rule to add (or restore) the MSD column to the OSHA 300 log. The notice is posted at the following link:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=19824. This is in follow-up to small business teleconferences that OSHA held on April 11, and 12. OSHA has posted a summary of the comments about the teleconference in the public docket for the rulemaking at: <http://www.regulations.gov/#!documentDetail;D=OSHA-2009-0044-0139>.



The American Industrial Hygiene Association (AIHA) is in the process of reviewing these comments, soliciting input from other small businesses, and offering additional comments. The comment period ends June 16, 2011. The AIHA had previously provided both written comments and testimony in favor of restoring the MSD column to the log.

Nurse and Healthcare Worker Protection Act of 2009

There is very little time left in terms of actual days congress is meeting for the remainder of this session, many other critical issues to be resolved, ergonomics remains a term that is anathematic, and little likelihood any action will be taken on this bill.



American Industrial Hygiene Association

State Legislative Summary Topic: Ergonomics/Safe Patient Handling

Date: May 27, 2011

Note: The following bills are those AIHA national is monitoring.

Master

CA A 1136

AUTHOR: Swanson (D)

TITLE: Employment Safety: Health Facilities

DISPOSITION: Pending

LOCATION: Assembly Third Reading File

SUMMARY: Amends Occupational Safety and Health Act of 1973. Requires an employer to develop and maintain a safe patient handling policy for patient care units, a patient protection and health care worker back and musculoskeletal injury prevention plan, and to provide trained lift teams or staff trained in safety lifting techniques in each general acute care hospital. Requires each hospital, as part of the injury and prevention program, to develop a safe patient handling policy and to purchase related equipment.

02/18/2011 INTRODUCED.

03/17/2011 To ASSEMBLY Committee on LABOR AND EMPLOYMENT.

04/06/2011 From ASSEMBLY Committee on LABOR AND EMPLOYMENT with author's amendments.

04/06/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LABOR AND EMPLOYMENT.

STATUS: 04/26/2011 From ASSEMBLY Committee on LABOR AND EMPLOYMENT with author's amendments.

04/26/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LABOR AND EMPLOYMENT.

05/04/2011 From ASSEMBLY Committee on LABOR AND EMPLOYMENT: Do pass.

05/09/2011 In ASSEMBLY. Read second time. To third reading.

Date: 11

Issue: Ergonomics

IL H 1684

SPONSOR: Golar (D)
COSPONSOR(S): Bellock (R), Holbrook (D), Lang (D), Cunningham (D), Jackson (D), Riley (D), Cole (R), Nekritz (D), Brauer (R), Currie (D), Williams A (D), Holmes (D)
TITLE: Safe Patient Handling
DISPOSITION: To Governor
LOCATION: Eligible for Governor
SUMMARY: Amends the Hospital Licensing Act; relates to safe patient handling policies; sets forth definitions for safe lifting equipment and accessories and safe lifting team; makes changes to the provision concerning the minimum requirements of a hospital's policy with regard to strategies to control the risk of injury to patients and nurses and other health care workers associated with the lifting, transferring, repositioning, or movement of a patient.
STATUS:
02/15/2011 INTRODUCED.
02/16/2011 To HOUSE Committee on RULES.
02/22/2011 To HOUSE Committee on HEALTH CARE LICENSES.
03/16/2011 From HOUSE Committee on HEALTH CARE LICENSES: Do pass.
03/16/2011 In HOUSE. Placed on Short Debate Calendar Second Reading.
03/31/2011 In HOUSE. Amendment No. 1 filed. Referred to RULES.
04/04/2011 From HOUSE Committee on HEALTH CARE LICENSES: Approved for consideration - Amendment No. 1.
04/05/2011 In HOUSE. Read second time. Adopted Amendment No. 1.
04/05/2011 In HOUSE. Placed on Short Debate Calendar Third Reading.
04/07/2011 In HOUSE. Read third time. Passed HOUSE. *****To SENATE.
04/08/2011 To SENATE Committee on ASSIGNMENTS.
04/27/2011 To SENATE Committee on PUBLIC HEALTH.
05/04/2011 From SENATE Committee on PUBLIC HEALTH: Do pass.
05/04/2011 In SENATE. Placed on Calendar Order Second Reading.
05/05/2011 In SENATE. Read second time.
05/05/2011 In SENATE. Placed on Calendar Order Third Reading.
05/17/2011 In SENATE. Read third time. Passed SENATE.
05/17/2011 Passed Both Houses.
Date: 11
Issue: Ergonomics

MA H 1484

DOCKET: 1709
AUTHOR: Garlick (D)
TITLE: Safe Patient Handling Policy
DISPOSITION: Pending

LOCATION: Joint Committee on Public Health
SUMMARY: Provides that certain health facilities be directed to establish a safe patient handling policy, so-called.
01/20/2011 INTRODUCED.
STATUS: 01/20/2011 Filed as House Docket 1709
02/16/2011 To JOINT Committee on PUBLIC HEALTH.
Date: 11
Issue: Ergonomics

MA HD 1709

DOCKET: 1484
AUTHOR: Garlick (D)
TITLE: Safe Patient Handling in Certain Health Facilities
DISPOSITION: Pending
LOCATION: HOUSE
SUMMARY: Relates to safe patient handling in certain health facilities.
01/20/2011 FILED.
STATUS: 01/20/2011 Assigned HOUSE Bill No. 1484
Date: 11
Issue: Ergonomics

MA S 1076

DOCKET: 689
AUTHOR: Chandler (D)
TITLE: Safe Patient Handling
DISPOSITION: Pending
LOCATION: Joint Committee on Public Health
SUMMARY: Provides for safe patient handling.
01/20/2011 INTRODUCED.
STATUS: 01/20/2011 Filed as Senate Docket 689
01/24/2011 To JOINT Committee on PUBLIC HEALTH.
Date: 11
Issue: Ergonomics

ME H 359

LD: 466
AUTHOR: Celli (R)
TITLE: Hospitals and Employee Illness Programs
DISPOSITION: Pending

LOCATION: HOUSE

SUMMARY: Requires hospitals to adopt employee illness and Injury Prevention Programs and to provide lift teams and to require reduced workers compensation insurance rates for those hospitals.

02/09/2011 INTRODUCED.

02/09/2011 Filed as LR 696

02/10/2011 HOUSE refers to JOINT Committee on HEALTH AND HUMAN SERVICES.

STATUS: 02/10/2011 SENATE refers to JOINT Committee on HEALTH AND HUMAN SERVICES in concurrence.

04/15/2011 From JOINT Committee on HEALTH AND HUMAN SERVICES: Ought Not to Pass.

Date: 11

Issue: Ergonomics

MI H 4128

SPONSOR: Jacobsen (R)

TITLE: Ergonomic Regulations

DISPOSITION: Pending

LOCATION: House Regulatory Reform Committee

SUMMARY: Prohibits ergonomic regulations under certain circumstances.

01/20/2011 INTRODUCED.

STATUS: 01/20/2011 To HOUSE Committee on REGULATORY REFORM.

Date: 11

Issue: Ergonomics

MI S 20

SPONSOR: Jones Ri (R)

TITLE: Workplace Ergonomics

DISPOSITION: Enacted

LOCATION: Chaptered

SUMMARY: Prohibits promulgation of rules regarding workplace ergonomics; provides that a department, board, or commission authorized to promulgate rules relative to occupational and construction health and safety shall not promulgate a rule or establish a standard regarding workplace ergonomics but may provide guidance, best practices information, or assistance for the voluntary implementation or practice of a workplace ergonomics program.

01/19/2011 INTRODUCED.

01/19/2011 To SENATE Committee on ECONOMIC DEVELOPMENT.

STATUS: 02/10/2011 From SENATE Committee on ECONOMIC DEVELOPMENT: Recommended as substitute (S-1)

02/10/2011 In SENATE. To second reading.

02/10/2011	In SENATE. Read second time and committee substitute adopted. (S-1) To third reading.
02/10/2011	In SENATE. Read third time. Passed SENATE. *****To HOUSE.
02/10/2011	To HOUSE Committee on REGULATORY REFORM.
02/16/2011	From HOUSE Committee on REGULATORY REFORM: Reported with recommendation with substitute. (H-1)
02/16/2011	In HOUSE. To second reading.
02/23/2011	In HOUSE. Read second time and committee substitute adopted. (H-1) To third reading.
02/24/2011	In HOUSE. Read third time. Passed HOUSE. *****To SENATE for concurrence.
03/08/2011	SENATE concurred in HOUSE amendments.
03/08/2011	Ordered Enrolled.
03/11/2011	*****To GOVERNOR.
03/22/2011	Signed by GOVERNOR.
03/24/2011	Public Act No. 10

Date: 11
Issue: Ergonomics

MO S 39

SPONSOR: Wright-Jones (D)
TITLE: Hospital Patient Safety
DISPOSITION: Pending
LOCATION: Senate Health, Mental Health, Seniors and Families Committee
SUMMARY: Modifies provisions relating to hospital patient safety; provides that each hospital is required to establish a patient safety committee to design and recommend the process for implementing a safe patient handling program.

	12/01/2010	PREFILED.
	01/05/2011	INTRODUCED.
STATUS:	01/12/2011	To SENATE Committee on HEALTH, MENTAL HEALTH, SENIORS AND FAMILIES.

Date: 11
Issue: Ergonomics

MS HR 11

AUTHOR: Evans J (D)
TITLE: Ergonomic Practices
DISPOSITION: Failed
LOCATION: Died
SUMMARY: Urges businesses and industries to help protect the health, well-being and

investment made in the state's workforce by implementing ergonomic practices and programs proven to prevent and relieve musculoskeletal disorders.

STATUS: 01/17/2011 INTRODUCED.
01/17/2011 To HOUSE Committee on RULES.
04/07/2011 Died in committee.

Date: 11
Issue: Ergonomics

MS S 2148

AUTHOR: Dearing (D)
TITLE: Patient Safety Act
DISPOSITION: Failed
LOCATION: Died

SUMMARY: Enacts the Mississippi Patient Safety Act; requires the development of a patient safety program for hospitals, ambulatory surgical centers and mental hospitals; requires hospitals, ambulatory surgical centers and mental hospitals to annually report to the state health officer a listing of certain errors or occurrences; provides whistle-blower protection to certain employees.

STATUS: 01/04/2011 INTRODUCED.
01/04/2011 To SENATE Committee on PUBLIC HEALTH AND WELFARE.
02/01/2011 Died in committee.

Date: 11
Issue: Ergonomics

NY A 664

SPONSOR: Gottfried (D)
TITLE: Ceiling Lifts in Hospitals and Nursing Homes
DISPOSITION: Pending
LOCATION: ASSEMBLY

SUMMARY: Requires installation and use of ceiling lifts in hospitals and nursing homes.

STATUS: 01/04/2011 PREFILED.
01/04/2011 To ASSEMBLY Committee on HEALTH.
01/05/2011 INTRODUCED.
01/05/2011 To ASSEMBLY Committee on HEALTH.
05/10/2011 From ASSEMBLY Committee on HEALTH.
05/18/2011 Amended on ASSEMBLY floor.

Date: 11
Issue: Ergonomics

NY A 1370

SPONSOR: Lancman (D)
TITLE: Safe Patient Handling Act
DISPOSITION: Pending
LOCATION: Assembly Ways and Means Committee
SUMMARY: Enacts the "safe patient handling act".
01/05/2011 INTRODUCED.
01/05/2011 To ASSEMBLY Committee on HEALTH.
01/19/2011 From ASSEMBLY Committee on HEALTH.
STATUS: 01/19/2011 To ASSEMBLY Committee on CODES.
02/16/2011 Amended in ASSEMBLY Committee on CODES.
05/03/2011 From ASSEMBLY Committee on CODES.
05/03/2011 To ASSEMBLY Committee on WAYS AND MEANS.
Date: 11
Issue: Ergonomics

NY A 7772

SPONSOR: Gunther (D)
TITLE: Safe Patient Handling Demonstration Program
DISPOSITION: Pending
LOCATION: Assembly Health Committee
SUMMARY: Provides for an extension of 2 years for the safe patient handling demonstration program.
05/16/2011 INTRODUCED.
STATUS: 05/16/2011 To ASSEMBLY Committee on HEALTH.
Date: 11
Issue: Ergonomics

NY A 7910

SPONSOR: Lancman (D)
TITLE: Hotel Worker Protection Act
DISPOSITION: Pending
LOCATION: Assembly Labor Committee
SUMMARY: Enacts the hotel worker protection act requiring hotel and motel employers to provide personal devices to certain hotel and motel employees for the protection of hotel and motel workers.
05/23/2011 INTRODUCED.
STATUS: 05/23/2011 To ASSEMBLY Committee on LABOR.
Date: 11

Issue: Ergonomics

NY S 217

SPONSOR: Maziarz (R)
TITLE: Safe Patient Handling Task Force
DISPOSITION: Pending
LOCATION: Senate Health Committee
SUMMARY: Creates the New York state safe patient handling task force.
12/13/2010 PREFILED.
12/13/2010 To SENATE Committee on HEALTH.
STATUS: 01/05/2011 INTRODUCED.
01/05/2011 To SENATE Committee on HEALTH.
Date: 11
Issue: Ergonomics

NY S 239

SPONSOR: Maziarz (R)
TITLE: Ceiling Lifts in Hospitals
DISPOSITION: Pending
LOCATION: Senate Health Committee
SUMMARY: Requires installation and use of ceiling lifts in hospitals and nursing homes.
12/13/2010 PREFILED.
12/13/2010 To SENATE Committee on HEALTH.
STATUS: 01/05/2011 INTRODUCED.
01/05/2011 To SENATE Committee on HEALTH.
Date: 11
Issue: Ergonomics

NY S 2470

SPONSOR: Maziarz (R)
TITLE: New York State Safe Patient Handling Task Force
DISPOSITION: Pending
LOCATION: Senate Health Committee
SUMMARY: Creates the New York state safe patient handling task force.
01/21/2011 INTRODUCED.
STATUS: 01/21/2011 To SENATE Committee on HEALTH.
02/16/2011 Amended in SENATE Committee on HEALTH.
Date: 11

Issue: Ergonomics
