



November 11, 2013

Honorable John Conyers, Jr.  
House of Representatives  
2426 Rayburn Office Building  
Washington, DC 20515-6100

Dear Representative Conyers:

The Association of Safe Patient Handling Professionals (ASPHP) would like to provide comments on the legislation you are co-sponsoring with the Honorable George Miller, HR 2480 known as the “Nurse and Health Care Worker Protection Act of 2013.” This bill, which requires the Occupational Safety and Health Administration to promulgate standards addressing patient handling and mobility, would help to prevent harm to care givers, their employers, care recipients and their families and friends.

The ASPHP was developed for the sole purpose of furthering the science and practice of safe patient handling. Those anxious to join this grass roots effort and bring it to life, as evidenced by our Board of Directors and Advisors, were the pioneers and experts in the field; those impassioned about the subject of reducing injury to our healthcare workers and preventing harm to those for whom they provide care. Importantly, these experts not only rose to prominence in the field because of their educational background, they are experienced, practiced professionals who quite frankly, “get it”!

This ASPHP team represents all perspectives of the subject at hand: research, education, consulting, assistive device manufacturers, and clinicians. Some work outside of the practice environment, some work within that environment on an administrative level and many others work as caregivers in acute care, long-term care, continuous care and the home environments. . Our membership is active with us, including those who have already achieved the status of Certified Safe Patient Handling Professionals (CSPHP). Our quest includes assisting in the setting of standards for program development, implementation, sustainability and overall practice. Succinctly, *the Association represents a ready wealth of information* to provide assistance in your endeavor to develop legislation to address this crucial need.

A review of our website ([www.asphp.org](http://www.asphp.org)) will reveal the many ways in which we seek to meet our mission “To improve the safety of caregivers and their patients by advancing the science and practice of safe patient handling.” The Learning Center section of our website has a section on Legislative Updates that seeks to keep our membership and the general public informed regarding regulatory activity and our involvement with that activity.

We believe that HR 2480, which closely parallels the ANA publication, **Safe Patient Handling and Mobility Interprofessional National Standards: Across the Care Continuum**, provides the necessary structure to establish a process for prevention of the harm that may arise from patient handling. While the ASPHP has been working with individual states in their efforts to develop safe patient handling standards for their respective states, we believe that none of the existing state legislation addresses all of the 8 standards included in the ANA publication, nor do they encompass all of the workplaces where the movement of care recipients presents an injury exposure to care providers. The ASPHP is proud to have been involved in the development of this publication, with our Board and general membership well represented in the group of experts who were brought together by the ANA.

In general we are in support of the bill and have the following comments regarding suggested changes in its language:

1. Page 5, starting at line 5: Change “engineering and safety controls to perform handling of patients” to “engineering controls and other risk reduction methods when care providers are handling patients”. The term “safety controls” is a vague term that is better replaced with the language addressing the intent to require the use of other risk reduction methods as a supplement to engineering controls.
2. Page 5, lines 13: After “controls” add “(such as engineering, administrative, or behavioral)”.
3. Page 5, line 13: After “measures” eliminate “, trained, designated lift teams,”
4. Page 5, after line 19: Add “(4) INTERPROFESSIONAL TEAM – An organizational committee will identify and/or develop systems that support SPHM programs. The committee will receive and review data about SPHM and make recommendations for improvement. The work of the committee will reflect collaboration among organizational leadership, the healthcare worker, and ancillary/support workers. This committee will include individual(s) with the necessary SPHM core competencies.” This language is a revision of what appears in the ANA standards, section 2.11, page 26. We feel that this language is consistent with but an improvement beyond that provided in your 2009 version of the subject act.
5. Adjust the section numbering after this change.
6. Page 6, line 14: Add “other” before “health care workers”. Direct-care registered nurses are also health care workers.

7. Page 7 line 2: Add “health care workers and/or” before “designated”. Both groups should be covered by the requirement.
8. Page 7, line 14: Change “facility design and construction, or facility remodeling” to “facility design, construction, and remodeling”. The use of “and” implies the requirement applies to all activities.
9. Page 8, line 5: Add a new paragraph “Persons responsible for managing the program need to receive the training, demonstrate the competency, and have the certification indicating they are able them to meet these responsibilities.” Attached is information from the ASPHP regarding our certification process for two levels, Certified Safe Patient Handling Associate (CSPHA) and Certified Safe Patient Handling Professional (CSPHP).
10. Page 13, lines 7 to 10: Replace the existing language with - “Lift team” means designated health care workers specifically trained to work together to perform patient handling activities using equipment as appropriate for the specific patient.” This is the language that was developed by Cal/OSHA after input from their stakeholders and appears in their proposed regulations relative to their General Industry Safety Orders, Title 8, Division 1, Chapter 4, Subchapter 7, Article 106, New Section 5120 Safe Patient Handling.

We offer our support in attempting to move this bill forward. Please feel free to reach out to us (phone 610-248-9911, or email [ww Weaver@asphp.org](mailto:ww Weaver@asphp.org) ) for assistance in this effort.

Regards,



Robert Williamson  
President – ASPHP