



November 20, 2018

Melissa Smith
Division of Regulations, Legislation, and Interpretation
Wage and Hour Division
US Department of Labor

Subject: Comments on Expanding Employment, Training, and Apprenticeship Opportunities for 16- and 17-Year-Olds in Health Care Occupations under the Fair Labor Standards Act. *Docket Number: 2018-20996 / RIN: 1235-AA22*

Dear Ms. Smith:

The Association of Safe Patient Handling Professionals (ASPHP) would like to provide comments on the subject proposed rulemaking. Through this rulemaking, the US Department of Labor proposes to remove the prohibition regarding the independent operation of power-driven patient lifts by 16- and 17-year-olds from the Department's Hazardous Occupations Orders (HO) 7. We believe this change runs counter to the scientific evidence that currently exists and may lead to increased harm to both these care giving youth and the care recipients they service.

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) 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.

Some of our members are also members of the American Industrial Hygiene Association (AIHA) and were involved in developing the comments they provided to you on November 1, 2018 regarding this proposed regulation. We thank the AIHA for their thorough and evidence-based review. We agree with the first 3 items listed below that they offered in their comments and are adding items 4 and 5 that we also consider critical. The ASPHP urges the department to protect these young workers by:

- 1) Issuing a new rule that would prohibit 16- and 17-year-olds from manually lifting patients who cannot bear weight.
- 2) Maintaining the current conditions under which 16- and 17-year-olds can operate power-driven patient lifts under hazardous occupations order 7.
- 3) Asking NIOSH to revisit the work it conducted from 2010 to 2011, and conduct a new assessment to determine the circumstances, if any, that 16- and 17-year-olds can safely operate power-driven patient lifts, either independently or as part of a team with another employee who is at least 18 years of age.
- 4) Considering the safety of both the care givers (16- and 17-year-olds) and the care recipients in this assessment, assuring there is a mutual process for protection for both parties.
- 5) Identifying a path by which this process for protection may be applied, enabling the involvement of our youth in the provision of care.

The ANA publication, **Safe Patient Handling and Mobility Interprofessional National Standards: Across the Care Continuum**, 2013, 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, and had success, 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. We believe that federal regulations incorporating the process for protection detailed in these standards would assist in increasing employment opportunities associated with patient handling while assuring the prevention of harm to those involved in the process.

We offer our support in the development of regulations based upon our comments mentioned above. Please feel free to reach out to us (phone 610-248-9911, or email awiest@asphp.org) for assistance in this effort.

Regards,

A handwritten signature in black ink, appearing to read 'Patti Wawzyniecki', with a long horizontal flourish extending to the right.

Patti Wawzyniecki
President
Association of Safe Patient Handling Professionals