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California Legislature Passes Safe Patient Handling Fifth Time – Will Governor Schwarzenegger Sign or Veto, Again?

Legislation for the safe handling of patients in California is on the desk of Governor Arnold Schwarzenegger – again. For the fifth year in a row, the California State Legislature has passed legislation to protect patients and healthcare workers from painful injuries caused by lifting and moving dependent persons. But, every year, for the past four years, Governor Schwarzenegger has chosen to veto. The question is whether he will sign the fifth time around in 2008.

California Senate Bill 1151, Hospitals: lift teams, **“Hospital Patient and Health Care Worker Injury Protection Act,”** was introduced on February 6, 2008, by Senator Don Perata, Democrat, (510) 286-1333, Senator.Perata@sen.ca.gov. Senator Perata has introduced, and successfully carried a bill through the California Legislature, every year since 2004 to protect California healthcare workers and patients from injuries caused by manual lifting.

SB 1151 passed the California Assembly 45 to 29 on August 14, 2008, and passed the Senate 22 to 15 on August 30, 2008. The bill was enrolled and delivered to the Governor on September 17, 2008.

Per call this date, September 26, 2008, to Governor Schwarzenegger’s office, (916) 445-2841, the “Hospital Patient and Health Care Worker Injury Protection Act” is on the Governor’s desk. Per governor’s office staff, Governor Schwarzenegger has until September 30th to sign or veto; if he neither signs nor vetoes, SB 1151 will become law without his signature.

SB 1151 cites U.S. Bureau of Labor Statistics 2006 data showing California to lead the nation in musculoskeletal disorders suffered by workers. “California’s nursing workforce is aging at the same time patient acuity and obesity is rising. It is imperative that we protect our registered nurses and other health care workers from injury, and provide patients with safe and appropriate care. At a cost of between forty thousand dollars (\$40,000) and sixty thousand dollars (\$60,000) to train and orient each new nurse, preventing turnover from injuries will save hospitals money.”

SB 1151 cites California’s Occupational Safety and Health Act of 1973 which requires employers to provide safety devices or safeguards reasonably necessary to render employment safe. If signed into law, SB 1151 would require general acute care hospitals “to establish a patient protection and health care worker back injury prevention plan,” requiring hospitals to conduct a needs assessment to identify patients needing lift teams, and lift, repositioning, or transfer devices.

”The bill would require a general acute care hospital to use lift teams or lift, repositioning, and transfer devices when there is a risk of injury to a patient or a health care worker, except in emergency situations.” “A safe patient handling policy does not require the use of patient lift, repositioning, or transfer devices if the individual hospital’s own needs assessment indicates that it is safe for the patient and the employee to utilize techniques not requiring the use of those devices.”

For links to the wording, complete history, and current status of CA SB 1151: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1151&sess=CUR&house=B&search_type=email.

For notification of when Governor Schwarzenegger signs or vetoes, you can subscribe to receive email notification of legislative action on SB 1151 at www.leginfo.ca.gov.

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