

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Moore, Richard (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Improve Nurse Safety

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Moore, Richard (SEN)	Worcester and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO IMPROVE NURSE SAFETY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13 I of chapter 265 of the general laws, as appearing in the 2006
2 Official Edition, is hereby amended by adding at the end thereof, the following additional
3 sentence:

4 Whoever commits an assault or assault and battery on a nurse, nurse's, or other health care
5 worker while said nurse, nurse's, or other health care worker is treating or providing care in the
6 line of duty, said person, shall be punished by imprisonment in the house of correction for not
7 less than ninety days nor more than two and one-half years, or by a fine of not less than five
8 hundred nor more than five thousand dollars, or both.

9 SECTION 2: Section 80B of Chapter 112 of the general laws, as so appearing, is hereby
10 amended by adding at the end of the Section, the following new paragraph:

11 Each individual licensed to practice as a registered nurse or as a licensed practical nurse in the
12 commonwealth, shall not work more than 12 hours in any given shift and shall not work in

13 excess of 16 hours in a 24 hour period. Such registered or licensed practical nurse that works 12
14 consecutive hours in a shift must take at least 10 hours off between shifts. Provided further, that
15 the provisions of this paragraph shall not apply to on-call time, so defined under Chapter 111,
16 section 56A, while the nurse is not on the hospital premises.

17 SECTION 3. Chapter 111 of the general laws, as appearing in the 2004 Official Edition, is
18 hereby amended by inserting after section 220, the following new section:

19 Section 221. Safe Patient Handling and Movement

20 Definitions: As used in this section, the following words shall, unless the context clearly requires
21 otherwise, shall have the following meanings:-

22 “Department” shall mean the Massachusetts Department of Public Health.

23 “Health care facility”, an individual, partnership, association, corporation or trust or any person
24 or group of persons that employs health care providers, including any hospital, clinic,
25 convalescent or nursing home, charitable home for the aged, community health agency or other
26 provider of health care services licensed, or subject to licensing by, or operated by, the
27 department of public health; any facility as defined in section 3 of chapter 111B; any private,
28 county or municipal facility, department or unit which is licensed or subject to licensing by the
29 department of mental health pursuant to section 19 of chapter 19, or by the department of mental
30 retardation pursuant to section 15 of chapter 19B; any facility as defined in section 1 of chapter
31 123; the Soldiers’ Home in Holyoke, the Soldiers’ Home in Massachusetts; or any facility as set
32 forth in section 1 of chapter 19 or section 1 of chapter 19B.

33 “Safe patient handling,” a process, based on scientific evidence on causes of injuries, that uses
34 safe patient handling equipment rather than people to transfer, move, and reposition patients in
35 all health care facilities to reduce workplace injuries. This process also reduces the risk of injury
36 to patients.

37 “Safe patient handling equipment,” engineering controls, lifting and transfer aids, or mechanical
38 assistive devices used by nurses and other direct patient care workers instead of manual lifting to
39 perform the acts of lifting, transferring, and repositioning health care facility patients and
40 residents.

41 By January 1, 2010, every licensed health care facility shall establish a safe patient handling
42 committee, which shall be responsible for adopting a written safe patient handling policy. Said
43 policy will establish the facility’s plan to achieve, by January 1, 2011, the goal of minimizing
44 manual lifting of patients by nurses and other direct patient care workers by utilizing safe patient
45 handling equipment.

46 Membership of said committee shall meet the following requirements:

47 (a) At least half the members shall be nonmanagerial nurses and other direct patient care
48 workers; and

49 (b) In a health care facility where nurses and other direct patient care workers are covered by
50 a collective bargaining agreement, the union shall select the committee members proportionate to
51 its representation of nonmanagerial workers, nurses, and other direct care patient workers; and

52 (c) Employees who serve on a safe patient handling committee must be compensated by their
53 employer for all hours spent on committee business.

54 A safe patient handling committee shall:

55 1) Adopt a safe patient handling policy that includes:

56 a. Assessment of hazards with regard to patient handling;

57 b. The acquisition of an adequate supply of appropriate safe patient handling equipment;

58 c. Initial and ongoing training of nurses and other direct patient care workers on the use of
59 this equipment;

60 d. Factors that act as barriers to the use of equipment;

61 e. Periodic evaluations of the safe patient handling program.

62 The Department shall promulgate regulations to ensure that inspections of health care facilities
63 determine the existence of a policy for safe handling and movement of patients for all shifts, that
64 personnel are trained in that policy and in the use of appropriate evidence based techniques and
65 equipment use, that equipment is available and in adequate supply as well as convenient to each
66 units. Said regulations shall include penalties for failure to develop and implement said policy.

67 SECTION 5. Nursing Education.

68 Notwithstanding any other general or special law to the contrary, the board of higher education,
69 established pursuant to section 4 of chapter 15A of the general laws, shall institute a review of
70 nursing education in the Commonwealth focused on needs to address evidence-based strategies
71 and expose the nursing student to technologies available to reduce risk in the workplace with a
72 goal of modifying how student nurses are taught patient handling considering emerging scientific

73 research, technologic innovation, and exemplary application in real work settings, methods that
74 make patient handling safe and ergonomically sound.

75 SECTION 6. Nursing Licensure.

76 The board of registration of nursing, established pursuant to the provisions of section 13 of
77 chapter 13 of the general laws, shall promulgate regulations to ensure that any holder of a license
78 issued pursuant to the provisions of sections 74, 74A of chapter 112 of the general laws, and that,
79 pursuant to the provisions of section 81A graduates of any nursing school have been trained in
80 evidence-based strategies that expose the nursing student to technologies available to reduce risk
81 in the workplace with a goal of ensuring that applicants for a license or renewal of license have
82 been taught patient handling considering emerging scientific research, technologic innovation,
83 and exemplary application in real work settings, methods that make patient handling safe and
84 ergonomically sound.

85 SECTION 7. Nursing Home Administrators.

86 The board of registration of nursing home administrators, established pursuant to the provisions
87 of sections 108 - 117 of chapter 112, shall require that applicants for a license or renewal of a
88 license under these section shall require that certified nursing assistants or other staff providing
89 patient care who are, or will be, employed by said administrator, shall have been trained in
90 evidence-based strategies that expose the nursing student to technologies available to reduce risk
91 in the workplace with a goal of ensuring that applicants for a license or renewal of license have
92 been taught patient handling considering emerging scientific research, technologic innovation,
93 and exemplary application in real work settings, methods that make patient handling safe and
94 ergonomically sound.

95 SECTION 8. This act shall take effect one year from the date of passage.