

# **Nurse and Health Care Worker Protection Act of 2009**

H.R. 2381 (May 2009)

[http://www.govtrack.us/congress/billtext.xpd?  
bill=h111-2381](http://www.govtrack.us/congress/billtext.xpd?bill=h111-2381)

And

S. 1788 (Oct 2009)

[http://www.govtrack.us/congress/billtext.xpd?  
bill=s111-1788](http://www.govtrack.us/congress/billtext.xpd?bill=s111-1788)

## **What**

To direct the Secretary of Labor to issue an **occupational safety and health standard** to reduce injuries to patients, direct-care registered nurses, and all other health care workers by establishing a safe patient handling and injury prevention standard.

OSHA would enforce the standard.

## Who

- Covers direct care registered nurses (RNs) who are defined as RNs who provide bedside care or outpatient services for one or more patients or residents and
- Health care workers who are defined individuals who has been assigned to lift, reposition, or move patients or residents in a health care facility.

## Who

- And extends to all health care **employers** including hospitals, nursing homes, home health, hospice, outpatient clinics, *federally* qualified health center and any health care facilities that employs direct-care registered nurses or other health care workers

## Requirements

- Requires .... “the use of **engineering controls** to perform **lifting, transferring, and repositioning** of patients”.... and
- the **elimination of manual lifting** of patients by direct-care registered nurses and all other health care workers, through **the use of mechanical devices to the greatest degree feasible** except where the use of safe patient handling practices can be demonstrated to compromise patient care.

## Requirements

- Health care employers must establish a safe patient handling and injury prevention plan within 6 months of the date of promulgation of the final standard that includes hazard identification, risk assessments & control measures in relation to all patient care duties and patient handling

## **Requirements**

- Employee input in developing & implementing the SPHM program and SPHM equipment purchases.
- Track & analyze SPH injuries.
- Documentation of SPH equipment usage
- Training

## **Requirements**

- Employers will purchase, use & maintain & have accessible an adequate # of SPH equipment-not later than 2 years after final rule

## Requirements

- Refusal of assignment by direct care RNs & health care workers if conditions violate the SPH and injury prevention standard or they have not received training for safe use of equipment etc.
- Protection against retaliation for refusal of assignment.
- Whistle blower protection for reporting employer violation of the standard.

## Financing

- Calls for the Secretary of Health and Human Services to establish a **\$200,000,000 grant program to assist health care facilities**, such as hospitals, nursing facilities, home health care, and outpatient facilities, which demonstrate financial need for purchasing safe patient handling and injury prevention equipment to comply with the standard.
- Notably, \$50,000,000, or 25% of the grant will be available specifically for home health agencies or entities.