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AN ACT

relating to safe patient handling and movement practices of nurses in hospitals and nursing homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 256 to read as follows:

CHAPTER 256. SAFE PATIENT HANDLING AND MOVEMENT PRACTICES

Sec. 256.001. DEFINITIONS. In this chapter:

(1) "Hospital" means a general or special hospital, as defined by Section 241.003, a private mental hospital licensed under Chapter 577, or another hospital that is maintained or operated by the state.

(2) "Nursing home" means an institution licensed under Chapter 242.

Sec. 256.002. REQUIRED SAFE PATIENT HANDLING AND MOVEMENT POLICY. (a) The governing body of a hospital or the quality assurance committee of a nursing home shall adopt and ensure implementation of a policy to identify, assess, and develop strategies to control risk of injury to patients and nurses associated with the lifting, transferring, repositioning, or movement of a patient.

(b) The policy shall establish a process that, at a minimum, includes:

(1) analysis of the risk of injury to both patients and

1 nurses posed by the patient handling needs of the patient
2 populations served by the hospital or nursing home and the physical
3 environment in which patient handling and movement occurs;

4 (2) education of nurses in the identification,
5 assessment, and control of risks of injury to patients and nurses
6 during patient handling;

7 (3) evaluation of alternative ways to reduce risks
8 associated with patient handling, including evaluation of
9 equipment and the environment;

10 (4) restriction, to the extent feasible with existing
11 equipment and aids, of manual patient handling or movement of all or
12 most of a patient's weight to emergency, life-threatening, or
13 otherwise exceptional circumstances;

14 (5) collaboration with and annual report to the nurse
15 staffing committee;

16 (6) procedures for nurses to refuse to perform or be
17 involved in patient handling or movement that the nurse believes in
18 good faith will expose a patient or a nurse to an unacceptable risk
19 of injury;

20 (7) submission of an annual report to the governing
21 body or the quality assurance committee on activities related to
22 the identification, assessment, and development of strategies to
23 control risk of injury to patients and nurses associated with the
24 lifting, transferring, repositioning, or movement of a patient; and

25 (8) in developing architectural plans for
26 constructing or remodeling a hospital or nursing home or a unit of a
27 hospital or nursing home in which patient handling and movement

1 occurs, consideration of the feasibility of incorporating patient
2 handling equipment or the physical space and construction design
3 needed to incorporate that equipment at a later date.

4 SECTION 2. This Act takes effect January 1, 2006.

David Newkum
President of the Senate

Jim Caddell
Speaker of the House

I hereby certify that S.B. No. 1525 passed the Senate on April 20, 2005, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1525 passed the House, with amendment, on May 25, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

Approved:

17 JUNE '05
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:20 AM O'CLOCK

JUN 17 2005
Roger Williams
Secretary of State