

ASSEMBLY BILL

No. 2532

Introduced by Assembly Member Hancock

February 20, 2004

An act relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2532, as introduced, Hancock. Hospitals: lift teams.

Existing law regulates the operation of health facilities, including hospitals.

This bill would declare the intent of the Legislature to enact legislation to require hospitals to provide lift teams to assist health care workers, and to require workers' compensation insurers to reduce rates for hospitals that provide lift teams.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) Health care workers, 95 percent of whom are women, lead
4 the nation in work-related musculoskeletal disorders (MSDs). In
5 1999, the Bureau of Labor Statistics identified "health care
6 patient" as the source of 59,002 MSDs. In 2000, data showed that
7 certified nurse assistants (CNA's), registered nurses (RN's), and
8 licensed practical nurses (LPN's) combined suffered 62,332
9 MSDs, 17,005 more than truckers, who were listed as number one,
10 with 45,327 MSDs.

1 (2) Research indicates that nurses lift an estimated 1.8 tons per
2 shift. Eighty-three percent of nurses work in spite of back pain, and
3 60 percent of nurses fear a disabling back injury. Twelve percent
4 to 39 percent of nurses not yet disabled are considering leaving
5 nursing due to back pain and injuries. Between 38 and 50 percent
6 of nurses will suffer a work-related back injury during their career.
7 Seventy percent of nurses' back injuries are to the lumbar spine
8 with 57 percent to intervertebral discs. Forty-four percent of
9 nurses with back injuries are unable to return to their pre-injury
10 position.

11 (3) The National Institute of Occupational Safety and Health
12 (NIOSH) has established 51 pounds as the safety limit for men to
13 lift, 46 pounds for women, and 3,400 (newtons) as the safety limit
14 for compressive force to lumbar spinal discs.

15 (4) Manual lifting of patients has been condemned for years by
16 governments and nursing organizations in other countries. The
17 under-axilla "drag" lift, used 98 percent of the time by American
18 nurses, is outlawed as unsafe to both nurses and patients by
19 England's Royal College of Nursing (RCN). "No lifting" policies
20 of the RCN and Australian Nursing Federation (ANF) discourage
21 health care staff from attempting to lift any patient manually,
22 whatever their weight with the objective of eliminating hazardous
23 manual handling in all but exceptional or life-threatening
24 situations. Nurses in England and some other countries may be
25 subject to discipline by their employers if they manually lift
26 patients, while many American nurses are still required to do so.

27 (5) With the United States shamefully lagging behind, other
28 countries are aggressively protecting nurses from preventable
29 back injury. Sponsored by the Department of Human Services, the
30 Victoria, Australia, government expended seven million seven
31 hundred thousand dollars (\$7,700,000) to fund the Victorian
32 Nurses' Back Injury Prevention Project. The project led to a 48
33 percent reduction in nurses' back injury WorkCover claims for
34 workers' compensation, a 74 percent reduction in lost work days,
35 and a 54 percent drop in costs related to claims. The program will
36 recover its costs within a year and will save nearly thirteen million
37 dollars (\$13,000,000) annually on nurse back injury payouts, with
38 the health industry expecting premiums to drop sharply in line with
39 the reduction in claims.



1 (b) It is therefore the intent of the Legislature to enact
2 legislation in subsequent amendments for both of the following
3 purposes:

4 (1) To require hospitals to provide lift teams for health care
5 workers, with the goal of reducing preventable back injuries.

6 (2) To require insurance companies that provide workers'
7 compensation coverage to hospitals to reduce rates for hospitals
8 that provide lift teams.

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