

FAX 202 225-0072

April 18, 2007

The Honorable John Conyers, Jr.
United States House of Representatives
2426 Rayburn Building
Washington, DC 20515

Dear Honorable Conyers:

I am writing on behalf of the Association of Occupational Health Professionals in Healthcare (AOHP) regarding House Bill number 378, "Nurse and Patient Safety & Protection Act of 2007". This Bill aims to amend the Occupational Safety and Health Act of 1970 to include reducing injuries to patients, direct-care registered nurses, and other health care providers by establishing a safe patient-handling standard.

While we support safe patient-handling initiatives as well as many of the concepts presented, we are unable to support this bill as written. AOHP believes a strict "no lift" policy is impractical in various situations (i.e. when an event occurs suddenly/unexpectedly, a medical emergency, etc.). Also, when this is tied to an OSHA regulation, it would make it difficult to enforce when patient safety may be at risk. AOHP believes this bill is impractical as currently written.

Additional concerns regarding this Bill are as follows:

- Section 3. Requirements for Health Care Facilities. This Section states, "not later than 6 months after such standard is published, health care facilities shall develop and implement a safe patient handling plan that includes four requirements". AOHP recommends that the timeframe be extended to a minimum of 12 months in order to allow the most complete plan development. Also in this section, a. 3. AOHP recommends that additional wording be added after "direct-care registered nurses" to include all direct-care healthcare personnel.
- Section 3. 1. for Posting Requirements. AOHP again recommends that the timeline be changed from 6 months to 12 months for the same reason as above.
- Section 5. 4. Health Care Facility (definition of). AOHP recommends that all direct-care healthcare providers be included in the definition of being employed and not limited to registered nurses.
- Section 5. 5. Declared State of Emergency. AOHP believes this should be broadened or re-defined since situations/emergencies internal and external to the Health Care Facility can arise when manual lifting may need to be implemented to some degree and the facility should not be considered in violation of the standard.

- Section 6. Financial Assistance. AOHP recommends that the guidelines for application for assistance be more clearly defined with priority to be given to smaller institutions of less than 50 beds.
- AOHP also recommends re-naming of the bill to be more inclusive of all direct patient care healthcare workers. Some examples are “Healthcare worker and Patient Safety & Protection Act of 2006”, “Safe Patient Handling and Protection Act of 2006” and “Safe Patient Handling Act of 2006”.

We ask that this bill not be adopted.

We share a mutual concern regarding patient handling/safety issues and AOHP has developed a position statement on this matter. It is attached for your review. In addition, we invite you to review the AOHP and OSHA Alliance published document “Resource Guide for Implementing a Safe Patient Handling Program in the Acute Care Setting” that is accessible through the OSHA website www.osha.org.

AOHP is a national organization of approximately 1000 occupational health professionals who work in healthcare settings, primarily hospitals. Our vision is to be the defining resource and leading advocate for occupational health and safety in healthcare. Our mission is dedicated to promoting the health and safety of workers in healthcare. This is accomplished through:

- A**dvocating for employee health and safety
- O**ccupational health education and networking opportunities
- H**ealth and safety advancement through best practice and research
- P**artnering with employers, regulatory agencies and related associations.

We thank you for this opportunity to communicate our concern. For any questions please contact Sandra Domeracki Prickitt at 415/492-4790 or domeras@sutterhealth.org for additional information.

Sincerely,



Denise Knoblauch
Executive President