Amendment No. 501

Assembly Amendment to Assembly Bill No. 577	(BDR 40-1035)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted ☐ Lost ☐	_____	Adopted ☐ Lost ☐	_____
Concurred In ☐ Not ☐	_____	Concurred In ☐ Not ☐	_____
Receded ☐ Not ☐	_____	Receded ☐ Not ☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

LJM/KMG Date: 4/20/2007

A.B. No. 577—Requires certain medical facilities to establish a program for safe handling of patients. (BDR 40-1035)

ASSEMBLY BILL NO. 577–COMMITTEE ON HEALTH AND HUMAN SERVICES

MARCH 26, 2007

Referred to Committee on Health and Human Services

SUMMARY—Requires certain medical facilities to establish a program for safe handling of patients. (BDR 40-1035)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to medical facilities; requiring certain medical facilities to establish a program and policy relating to **the** safe handling of patients; requiring such a facility to establish a committee on safe handling of patients; **requiring such a facility to submit annual reports to the Legislature concerning the safe handling of patients;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires a hospital or facility for skilled nursing [~~care~~] to establish a committee on safe handling of patients. The committee is required to develop a program for safe handling of patients and recommend the program to the hospital or facility for skilled nursing **.** [~~care.~~] The hospital or facility for skilled nursing [~~care~~] is required to adopt a program for safe handling of patients, including annual training for employees on safe handling of patients and an annual evaluation of the policy.

This bill also requires the hospital or facility for skilled nursing [~~care~~] to consider the incorporation of lifting equipment when constructing or remodeling the facility [~~.~~] **and to submit annual reports to the Legislature concerning the safe handling of patients.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to [~~7,~~] **9**, inclusive, of this act.

Sec. 2. ***As used in sections 2 to [~~7,~~] 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 [~~, 4 and 5~~] to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Lifting equipment" means a mechanical device designed to assist or aid in the lifting, transfer , transport or repositioning of a patient.***

Sec. 4. ***"Lifting team" means a group of persons [~~specifically~~] trained to conduct a lift, transfer , transport or significant repositioning of [~~a~~] an immobile***

or obese large child or adult patient, with or without the assistance of lifting equipment.

Sec. 5. *"Manual handling" means the use of a caregiver's hands and muscle strength, unaided by technology or lifting equipment, to lift, transfer, transport or reposition a patient.*

~~[Sec. 5.]~~ ***Sec. 6.*** *"Safe handling of a patient" means the use of manual handling, lifting teams or lifting equipment to lift, transfer , transport or reposition a patient.*

~~[Sec. 6.]~~ ***Sec. 7.*** *1. ~~[A]~~ Except as otherwise provided in subsection 2, a hospital or facility for skilled nursing ~~[care]~~ shall establish a committee on safe handling of patients. The committee must consist of an equal number of members who:*

(a) Represent the interests of the ownership or management of the hospital or facility for skilled nursing ; ~~[care;]~~ and

(b) Provide medical care directly to the patients at the hospital or facility for skilled nursing . ~~[care.]~~

2. If an official committee on staffing or patient care exists at a hospital or facility for skilled nursing and the committee includes at least one nurse who is not a representative of management of the hospital or facility for skilled nursing, the committee on staffing or patient care shall serve as the committee on safe handling of patients.

3. The committee on safe handling of patients shall:

(a) Design a program for safe handling of patients at the hospital or facility for skilled nursing ; ~~[care;]~~ and

(b) Recommend the program designed pursuant to paragraph (a) to the hospital or facility for skilled nursing . ~~[care.]~~

~~[Sec. 7.]~~ ***Sec. 8.*** *1. A hospital or facility for skilled nursing ~~[care]~~ shall adopt a program for safe handling of patients which must include, without limitation:*

(a) The policy of the hospital or facility for skilled nursing ~~[care for the]~~ for:

(1) The required use of lifting teams or lifting equipment ;

(2) Manual handling and the reduction of hazards relating to manual handling; and

(3) The lifting or significant repositioning of an immobile or obese large child or adult patient,

in all units and during all shifts.

(b) Annual training for persons employed by the hospital or facility for skilled nursing on:

(1) The policy for the use of manual handling, lifting teams and lifting equipment adopted pursuant to paragraph (a);

(2) The proper use of lifting equipment; and

(3) The proper use of lifting teams.

(c) An annual evaluation of the policy adopted pursuant to paragraph (a).

(d) If the hospital or facility for skilled nursing ~~[care]~~ is constructing or renovating a building, a consideration of the incorporation of lifting equipment into the building.

(e) Procedures that allow an employee to refuse to be involved in handling of a patient that the employee believes in good faith will expose the patient or an employee to an unacceptable risk of injury. An employee who follows the procedure in good faith must not be the subject of disciplinary action for the refusal.

2. When adopting the program for safe handling of patients pursuant to subsection 1, the hospital or facility for skilled nursing ~~[care]~~ shall consider, without limitation:

(a) The recommendations submitted to the hospital or facility for skilled nursing ~~[care]~~ pursuant to section ~~[6]~~ 7 of this act; and

(b) The safety of the patients at the hospital or facility for skilled nursing . ~~[care.]~~

Sec. 9. 1. A hospital or facility for skilled nursing shall prepare an annual report which includes, for the previous year:

(a) The number of employees who have received injuries relating to the lifting of patients;

(b) The collective number of days that employees were away from direct medical care because of injuries relating to the lifting of patients;

(c) The number of workers' compensation claims that were filed because of injuries relating to the lifting of patients;

(d) The number of employees who were placed on light-duty assignments because of injuries relating to the lifting of patients;

(e) The number of employees who terminated their employment because of injuries relating to the lifting of patients;

(f) The policies and protocols relating to safe handling of patients that have been implemented;

(g) A list of the names of the members of the committee on safe handling of patients established pursuant to section 7 of this act and their positions with the hospital or facility for skilled nursing; and

(h) The calendar of the meetings of the committee on safe handling of patients that were held and the minutes of those meetings.

2. The report prepared pursuant to subsection 1 must be submitted on or before June 10 of each year to:

(a) The Senate and Assembly standing committees with jurisdiction over health care issues, if the Legislature is in session; or

(b) The Legislative Committee on Health Care, if the Legislature is not in session.

Sec. 10. **NRS 449.160 is hereby amended to read as follows:**

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 to 9, inclusive, of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, ***or sections 2 to 9, inclusive, of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that

facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

~~[Sec. 8.]~~ ***Sec. 11.*** 1. A hospital or facility for skilled nursing ~~[care shall adopt]~~ **shall:**

(a) Adopt the program required by section ~~[7]~~ **8** of this act on or before January 10, ~~[2010.]~~ **2008.**

(b) Submit its initial annual report pursuant to section 9 of this act on or before June 10, 2008.

2. As used in this section:

(a) "Facility for skilled nursing **"** ~~[care"]~~ has the meaning ascribed to it in NRS 449.0039.

(b) "Hospital" has the meaning ascribed to it in NRS 449.012.