



**CALIFORNIA
HOSPITAL
ASSOCIATION**

*Providing Leadership in
Health Policy and Advocacy*

March 13, 2012

Robert Nakamura
Senior Safety Engineer
DOSH Research and Standards Health Unit
Cal/OSHA
1515 Clay Street
Oakland, CA 94612

Via E-mail: bnakamura@dir.ca.gov

Dear Mr. Nakamura:

On behalf of more than 400 member hospitals and health systems, the California Hospital Association (CHA) respectfully offers additional comments for consideration as Cal/OSHA begins the process of drafting regulations to implement California's Safe Patient Handling Law, California Labor Code § 6403.5. This letter supplements our earlier March 2, 2012 submission.

CHA has developed further draft regulatory language regarding Labor Code 6403.5(f) concerning the issue of replacement of manual lifting and transferring. While safe patient handling may, in some circumstances, favor replacement of manual lifting and transferring, we believe it is important to make it explicit that there may be circumstances where it is not in the best interest of patient care or employee safety.

Labor Code 6403.5(f)

For purposes of this section, a "safe patient handling policy" means a policy that requires replacement of manual lifting and transferring of patients with powered patient transfer devices, lifting devices and lift teams as appropriate for the specific patient and consistent with the employer's safety policies and the professional judgment and clinical assessment of the registered nurse.

Proposed Regulatory Language

Where a Safe Patient Handling Policy indicates replacement of manual lifting and transferring of patients with powered patient transfer devices, lifting devices, friction reducing devices or other means, the following factors may be considered in making a determination:

1. Whether the risk for staff and patients is increased by the use of such equipment or devices;
2. Whether patient care would be compromised by use of such equipment or devices;

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3. the professional judgment and clinical assessment of the registered nurse or other trained health care provider, including but is not limited to a physical therapist, occupational therapist and licensed vocational nurse; and
4. whether an emergency situation exists.

As noted in our earlier letter, CHA's recommendations should not be considered an exhaustive list, but an initial submission during this pre-notice period. Moving forward, CHA is ready to assist Cal/OSHA as it develops regulations and its enforcement policies in an effort to provide employees with a safe work environment. Thank you for the opportunity to comment. We look forward to working with you.

Sincerely,

/s/

Gail M. Blanchard-Saiger
Vice-President, Labor & Employment

Attachment

Cc: Deborah Gold, Deputy Director for Health, Cal/OSHA