



AMERICAN INDUSTRIAL HYGIENE ASSOCIATION  
GOVERNMENT AFFAIRS DEPARTMENT  
**STATE UPDATE**

February 28, 2013

**TEXAS**

Here is the latest legislative/regulatory report for your State. AIHA government affairs will send the reports every week, detailing any legislative and/or regulatory pertinent to the profession in your state. The reports will also include the text of many bills (if available) and update activity on bills already reported. However, reports will only be sent if there has been new activity on the legislation and/or regulations already reported, or new legislation and/or regulations are found. Reports are sent to local section officers and may be forwarded to others if you wish. Questions contact Aaron Trippler at [atrippler@aiha.org](mailto:atrippler@aiha.org).

**New Legislation**

**TX H 1829**

**AUTHOR:** Gonzalez N (D)  
**TITLE:** Safe Patient Handling and Movement Practices  
**INTRODUCED:** 02/26/2013  
**DISPOSITION:** Pending  
**LOCATION:** HOUSE  
**SUMMARY:** Relates to safe patient handling and movement practices at hospitals and nursing homes.  
**STATUS:** 02/26/2013 INTRODUCED.

In bill text the following have special meaning:

green underline denotes added text

~~dark red struck out text denotes deleted text~~

red text denotes vetoed text

The symbol, , indicates a link to an affected code section

**2013 TX H 1829**

**AUTHOR:** Gonzalez N  
**VERSION:** Introduced  
**VERSION DATE:** 02/26/2013  
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By: N. Gonzalez of El Paso

H.B. No. 1829

A BILL TO BE ENTITLED

AN ACT

relating to safe patient handling and movement practices at hospitals and nursing homes.

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

SECTION 1. Section 256.002 (b), Health and Safety Code, is amended to read as follows:

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

(1) ~~include an~~ analysis of the risk of injury to both patients and nurses posed by the patient handling needs of the patient populations served by the hospital or nursing home and the physical environment in which patient handling and movement occurs;

(2) ~~require~~ education of nurses ~~and other staff~~ in the identification, assessment, and control of risks of injury to patients and nurses during patient handling ~~and movement, including training on:~~

~~(A) the proper use of lifting devices and equipment;~~

~~(B) proper manual lifting technique;~~

~~(C) the five areas of body exposure, including vertical, lateral, bariatric, repositioning, and ambulation; and~~

~~(D) (3) evaluation of~~ alternative ways to reduce risks associated with patient handling, including ~~the use~~ ~~evaluation~~ of equipment ~~for moving patients~~ and ~~the use of~~ the environment;

~~(3) require supervision of a registered nurse of all patient handling or movement, regardless of whether moving equipment is used;~~

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

~~(5) require any necessary manual patient handling or movement to be conducted by two-person lift teams and prohibit manual patient handling by a staff member acting alone, unless the patient weighs less than 50 pounds;~~

~~(6) require~~ collaboration with and annual report to the nurse staffing committee;

~~(7) prohibit retaliation or discrimination against a staff member who refuses (6) procedures for nurses to refuse~~ to perform or be involved in patient handling or movement that the ~~staff member nurse~~ believes in good faith will expose a patient or a ~~staff member nurse~~ to an unacceptable risk of injury;

~~(8) implement a quality oversight body within the facility for enforcement of safe patient handling practices;~~

~~(9) require (7)~~ submission of an annual report to the governing body or the quality assurance committee on activities related to the identification, assessment, and development of strategies to control risk of injury to patients and nurses associated with the lifting, transferring, repositioning, or movement of a patient; and

~~(10) (8) in the development of developing~~ architectural plans for constructing or remodeling a hospital or nursing home or a unit of a hospital or nursing home in which patient handling and movement occurs, ~~require~~ consideration of the feasibility of incorporating patient handling equipment or the physical space and construction design needed to incorporate that equipment at a later date.

SECTION 2. A hospital or nursing home shall adopt and implement a policy required by Section 256.002(b), Health and Safety Code, as amended by this Act, not later than January 1, 2014.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

## Legislation Reported Earlier

### TX H 87

**AUTHOR:** Callegari (R)  
**TITLE:** Regulation of an Individuals Occupation  
**PREFILED:** 11/12/2012  
**INTRODUCED:** 01/08/2013  
**DISPOSITION:** Pending  
**LOCATION:** House Government Efficiency & Reform Committee  
Relates to regulation of an individual's occupation; provides that an individual may engage in an occupation not prohibited by law without being subject to a state agency rule, policy, or practice that regulates the occupation if the rule, policy, or practice is substantially burdensome and unnecessary to fulfill the purpose and intent of the statute authorizing the regulation of the occupation.

**SUMMARY:**

**STATUS:**

11/12/2012	PREFILED.
01/08/2013	INTRODUCED.
02/05/2013	To HOUSE Committee on GOVERNMENT EFFICIENCY and REFORM.
02/25/2013	Scheduled for public hearing.
02/25/2013	Considered in public hearing.
02/25/2013	Left pending in committee.

**Date:** 13

## Regulatory Activity

None to Report