

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2185

H.P. 1532

House of Representatives, April 13, 1999

An Act to Promote Workplace Safety.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FULLER of Manchester.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: BUMPS of China, DUPLESSIE of Westbrook, KANE of Saco, SAMSON of
Jay, Senator: PARADIS of Aroostook.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA c. 250, sub-c. V is enacted to read:**

6 **SUBCHAPTER V**

8 **HEALTH CARE WORKER PROTECTION**

10 **§841. Definitions**

12 As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. **Needleless system.** "Needleless system" means a device that does not utilize needles for:

16 A. **The withdrawal of body fluids after initial venous or arterial access is established;**

18 B. **The administration of medication or fluids; or**

20 C. **Any other procedure involving the potential for an exposure incident.**

22 2. **Public employee.** "Public employee" means an employee of the State or a local governmental unit or an employee of an agency of the State or a local governmental unit employed in a public or private health care facility, home health care organization or other facility providing health care related services.

24 3. **Sharp object.** "Sharp object" means any object used or encountered in a health care setting that may be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including, but not limited to, a needle device, scalpel, lancet, broken capillary tube, exposed end of dental wire, dental knife, dental drill, dental bur and broken glass.

26 4. **Sharp object injury.** "Sharp object injury" means any injury caused by a sharp object, including, but not limited to, cuts, abrasions, needle punctures and human bites.

28 5. **Sharp object injury log.** "Sharp object injury log" means a written or electronic record of exposure incidents.

30 6. **Sharp object protection.** "Sharp object protection" means:

32 A. **A physical attribute built into a needle device used for**

2 withdrawing body fluids, accessing a vein or artery or
3 administering medications or other fluids that effectively
4 reduces the risk of an exposure incident by a barrier;
5 blunting device; encapsulation; withdrawal or retraction
6 device; or other mechanisms; or

7 B. A physical attribute built into any other type of needle
8 device or into any other sharp object that effectively
9 reduces the risk of an exposure incident.

10 **§842. Needleless systems and sharp objects with sharp object**
11 **protection rules**

12 The department shall adopt rules, which are routine
13 technical rules pursuant to Title 5, chapter 375, subchapter
14 II-A, regarding needleless systems and sharp objects with sharp
15 object protection and public employees no later than 6 months
16 from the effective date of this section. The rules must be at
17 least as prescriptive as the standards promulgated by the federal
18 Occupational Safety and Health Administration and must include,
19 but not be limited to, the following:

20 1. Protection required. A requirement that needleless
21 systems and sharp objects with sharp object protection must be
22 implemented in all facilities employing public employees, except
23 in cases where an evaluation committee, established by the
24 employer, at least half the members of which are health care
25 workers who do not hold supervisory positions, determines by
26 means of objective product evaluation criteria that use of such
27 devices would jeopardize patient or employee safety with regard
28 to a specific medical procedure;

29 2. Sharp object injury log. A requirement that information
30 concerning exposure incidents must be recorded in a sharp object
31 injury log, including, but not limited to:

32 A. The date and time of the exposure incident;

33 B. The type and brand of sharp object involved in the
34 exposure incident; and

35 C. A description of the exposure incident that includes:

36 (1) The job classification of the exposed employee;

37 (2) The department or work area where the exposure
38 incident occurred;

39 (3) The procedure that the exposed employee was
40 performing at the time of the incident;

- 2 (4) How the incident occurred;
- 4 (5) The body part involved in the exposure incident;
- 6 (6) If the sharp object had sharp object protection,
8 whether the protective mechanism was activated and
10 whether the injury occurred before the protective
12 mechanism was activated, during activation of the
14 mechanism or after activation of the mechanism, if
16 applicable;
- 18 (7) If the sharp object had no sharp object
20 protection, the injured employee's opinion as to
22 whether and how such a mechanism could have prevented
24 the injury, as well as the basis for the opinion; and
- 26 (8) The employee's opinion about whether any other
28 product engineering, administrative procedure or work
30 practice control could have prevented the injury, as
32 well as the basis for the opinion; and

34 3. Additional requirements. Additional requirements,
36 including, but not limited to, training and educational
38 requirements, measures to increase vaccinations, measures for
40 strategic placement of sharp object containers as close to the
42 work area as practical and measures to increase use of personal
44 protective equipment.

46 **§843. List of existing systems**

48 The department shall compile and maintain a list of existing
50 needleless systems and sharp objects with sharp object
52 protection. The list must be available to assist employers to
54 comply with the requirements of the needleless systems and sharp
56 objects with sharp object protection rules adopted pursuant to
58 this subchapter. The list may be developed from existing sources
60 of information, including, but not limited to, the federal Food
62 and Drug Administration, the federal centers for disease control,
64 a national institute of occupational safety and health and the
66 United States Department of Veterans Affairs.

68 **§844. Research and development fund**

70 A fund is established to provide for research and
72 development, as well as product evaluations, of needleless
74 systems and sharp objects with sharp object protection. The
76 commissioner shall administer the fund to further the objectives
78 of this chapter.

2

SUMMARY

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6 This bill requires the Department of Human Services to adopt
8 rules to protect public employees from sharp object injuries.
10 These rules must be at least as prescriptive as the federal
Occupational Safety and Health Administration's standard. The
bill also establishes a fund to provide for research, development
and product evaluation of needleless systems and sharp object
protection.