

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 466

H.P. 359

House of Representatives, February 10, 2011

**An Act To Require Hospitals To Adopt Employee Illness and Injury
Prevention Programs and To Provide Lift Teams and To Require
Reduced Workers' Compensation Insurance Rates for those
Hospitals**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CELLI of Brewer.

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

2 **Sec. 1. 22 MRSA §1832** is enacted to read:

3 **§1832. Employee illness and injury prevention program**

4 By January 1, 2012 a hospital licensed under this chapter must adopt an employee
5 illness and injury prevention program, referred to in this section as "the program," in
6 accordance with this section.

7 **1. Definition.** For the purposes of this section, unless the context otherwise
8 indicates, "lift team" means a designated group of hospital employees who are specially
9 trained to handle patient lifts and transfers and to use the equipment provided for that
10 purpose by the hospital.

11 **2. Employee back injury prevention plan.** The program must include an employee
12 back injury prevention plan in accordance with this subsection.

13 A. The back injury prevention plan must include the designation of lift teams. In
14 addition to training lift team members, the hospital may train all hospital employees
15 on appropriate patient lifting and the use of lifting equipment.

16 B. The hospital shall provide at least one lift team per shift and shall provide lifting
17 equipment as required for hospital patients.

18 C. The hospital shall provide specialized training for lift team members, who must
19 complete the training and demonstrate competence in appropriate and safe techniques
20 for lifting and for using lifting equipment.

21 D. The employee back injury prevention plan must require lift teams to use lifting
22 equipment unless specifically contraindicated for a patient.

23 **3. Restriction.** A hospital may not take disciplinary action against an employee for
24 the refusal of the employee to lift a patient in the absence of a lift team or appropriate
25 lifting equipment if the refusal is due to concerns about the safety of the patient or the
26 employee.

27 **Sec. 2. 24-A MRSA §2382, sub-§6** is enacted to read:

28 **6. Rate reduction for a hospital that provides lift teams.** Beginning with policies
29 issued or renewed on July 1, 2012, a workers' compensation insurer shall provide a
30 reduction in the rate for a hospital that provides lift teams and lifting equipment as
31 required by Title 22, section 1832.

32 **SUMMARY**

33 This bill requires hospitals to adopt illness and injury prevention programs that
34 include training in lifting patients and in the use of lifting equipment and the use of at
35 least one lift team on each shift beginning January 1, 2012. The bill protects employees
36 from disciplinary action in certain circumstances. The bill provides for a reduction in

1 workers' compensation insurance rates for a hospital that provides lift teams and lifting
2 equipment beginning with policies issued or renewed on July 1, 2012.