

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: RN 11 23858
POSITION: Oppose

BILL NUMBER: AB 1136
AUTHOR: S. Swanson
RELATED BILLS: SB 1151 (2008)
SB 171 (2007)
SB 1204 (2006)
SB 363 (2005)
AB 2532 (2004)

BILL SUMMARY: Employment Safety: Health Facilities

This bill would require general acute care hospitals to adopt a patient protection and health care worker back injury prevention plan and to maintain a safe patient handling policy, as specified. This measure would also require general acute care hospitals to provide training on safe patient handling to health care workers. Acute care hospitals within the California Department of Corrections and Rehabilitation (CDCR) and the Department of Developmental Services (DDS) are exempt from the provisions of this bill.

FISCAL SUMMARY

The Department of Industrial Relations indicates that any costs resulting from this bill would be minor and absorbable within existing resources. Costs incurred would be related to drafting regulations and responding to complaints of alleged violation of the regulations.

This bill also would impose additional costs on general acute care hospitals, including those that are part of the University of California (UC) system. At the time of the analysis, the UC had not provided a fiscal estimate of this version of the bill. However, based on the bill's provisions, this bill would have unknown, likely significant costs to the UCs to provide training to all staff responsible for assisting in lifting patients and to provide two full time registered nurses to supervise lifts, as required by the bill.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the July 5, 2011 version include the following significant amendments which do not change our position:

- Specifies that acute care hospitals are not required to hire new staff to comprise a lift team as long as direct patient care assignments are not compromised.
- Provides a definition of "health care worker," clarifying applicability of the provisions of this bill.
- Excludes general acute care hospitals within the CDCR and DDS from the provisions of this measure.

COMMENTS

The Department of Finance opposes this bill because it would result in additional General Fund costs for the UC system that are not included in the 2011-12 Budget. Additionally, this bill is unnecessary as current laws and regulations are in place to address the workplace health and safety of health care workers. The

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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

S. Swanson

RN 11 23858

AB 1136

COMMENTS (continued)

provisions of this bill are substantially similar to bills that were previously vetoed by Governor Schwarzenegger, including AB 2532 (Hancock) in 2004, SB 363 (Perata) in 2005, SB 1204 (Perata) in 2006, and SB 171 (Perata) in 2007, and SB 1151 (Perata) in 2008, due to concerns regarding the inflexible nature of their requirements and the cost burden that would be placed on hospitals.

Existing law requires every employer to have an industry-specific written injury and illness prevention program that establishes procedures for identifying workplace hazards, investigating workplace injuries and illnesses, correcting unsafe or unhealthy working conditions in a timely manner, and training employees on safe working practices.

The bill would require general acute care hospitals to:

- Establish patient protection and health care worker back injury prevention plans.
- Provide training on the appropriate use of lift, repositioning, and transfer devices, including training on body exposure.
- Replace manual lifting and transferring methods with powered transfer and lift devices or lift teams.

Furthermore, this bill would provide that, under specified conditions, a health care worker who refuses to lift a patient due to concerns about patient and worker safety and the lack of trained lift team personnel or equipment may not be the subject of disciplinary action as a result of this refusal. Finally, this bill excludes general acute care hospitals within the CDCR and the DDS from the requirements of this measure.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code	
	LA	(Dollars in Thousands)								
	CO	PROP	2011-2012		2012-2013		2013-2014			
RV	98	FC	FC	FC	FC					
7350/DIR	SO	No	----- No/Minor Fiscal Impact -----							3121
6440/UC	SO	No	----- See Fiscal Summary -----							0001
<u>Fund Code</u>	<u>Title</u>									
0001	General Fund									
3121	Occupational Safety and Health Fund									