

HOUSE BILL REPORT

HB 2646

As Reported by House Committee On:
Labor & Workplace Standards
Appropriations

Title: An act relating to reducing work-related musculoskeletal disorders in the health care sector.

Brief Description: Reducing work-related musculoskeletal disorders in the health care sector.

Sponsors: Representatives Kilduff, Ryu, Doglio, Sells, Davis, Macri, Peterson and Pollet.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/21/20, 1/30/20 [DP];

Appropriations: 2/10/20 [DP].

Brief Summary of Bill

- Requires the Department of Labor and Industries to establish best practices to reduce risk factors associated with work-related musculoskeletal disorders in the health care sector.
- Provides for potential industrial insurance premium discounts for employers implementing best practices.
- Authorizes funding to assist employers in purchasing equipment and making modifications to follow best practices.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 7 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Gregerson, Hoff and Ormsby.

Staff: Trudes Tango (786-7384).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under the state's Industrial Insurance Act (Act), a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain benefits. Employers must obtain industrial insurance either through the State Fund administered by the Department of Labor and Industries (Department), or, if qualified, may self-insure.

Musculoskeletal disorders generally refer to conditions that involve the nerves, tendons, muscles, and supporting structure of the body. According to research from the Department's Safety and Health Assessment and Research for Prevention program, the most common type of injury experienced by health care workers are musculoskeletal disorders.

Work-related Musculoskeletal Disorders (WMSDs) in health care have been associated with the manual lifting and handling of patients. In response, the Legislature required Washington hospitals to implement safe patient handling policies and to train employees on the lifting of patients. That legislation provided a business and occupations tax credit for the purchase of patient handling equipment and reduced premiums for hospitals with fully implemented safe patient handling programs.

Summary of Bill:

The Department must develop best practices to reduce risk factors associated with WMSDs in the health care sector.

Best practices include employers:

- involving employees and all levels of management in developing and implementing their own programs for reducing WMSD;
- conducting ongoing evaluations of their programs;
- using effective assessment tools, including accessing the Department's consultation services, to determine when and under what circumstances appropriate equipment and technique could be used; and
- identifying aspects of work that pose the greatest risk of injury.

A health care sector employer that implements a program consistent with best practices may be eligible for a premium discount, as determined by the Department, according to the Department's criteria.

The Director of the Department may provide funding, up to 2 percent of premiums paid in the prior year, to State Fund employers of health care providers who have limited resources to purchase equipment and make modifications needed to follow best practices for reducing WMSDs. The Department may require matching funds from employers.

The provisions do not take effect until January 1, 2021.

Appropriation: None.

Fiscal Note: Requested on January 17, 2020.

Effective Date: The bill takes effect on January 1, 2021.

Staff Summary of Public Testimony:

(In support) The most common injuries in all industries are WMSDs, but in the health care sector, claims for WMSDs are especially high. Millions of dollars are spent on medical costs to treat these injuries. There is also the cost of having an injured worker not able to take care of patients. This bill is based on a previous bill mandating best practices, and possible premium discounts, for fire departments. This bill incentivizes the adoption of best practices. Not all guidelines address how to do certain tasks safely. Custodians also suffer from WMSDs.

(Opposed) None.

Persons Testifying: Representative Kilduff, prime sponsor; Lindsey Grad, Service Employees International Union Healthcare 1199 Northwest; Samantha Grad, United Food and Commercial Workers 21; Katherine Weiss, Washington State Nurses Association; and Demas Nesterenko, Service Employees International Union 775.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: David Pringle (786-7310).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Labor & Workplace Standards:

No new changes were recommended.

Appropriation:

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2021.

Staff Summary of Public Testimony:

(In support) Almost 34 percent of lost work days are from injuries suffered by nurses. These injured nurses are unable to care for others. It is well understood that the right equipment, supplies, and training will reduce injuries. One out of every \$3 paid out by the Workers' Compensation program are paid out for work-related musculoskeletal disorders. In some ways, this is a familiar bill, as the Legislature passed a very similar bill for firefighters last year.

(Opposed) None.

Persons Testifying: Representative Kilduff, prime sponsor; and Melissa Johnson, Washington State Nurses Association.

Persons Signed In To Testify But Not Testifying: None.