

BILL ANALYSIS

Senate Research Center
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S.B. 905
By: Bernsen
Health Services
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As Filed

DIGEST

The International Health-Care Worker Safety Center at the University of Virginia reports that there are approximately one million accidental needle sticks each year in the United States. Almost half of the accidental needle stick victims are Registered Nurses and Licensed Practical Nurses, while 12.4% are physicians. The next highest category of those injured includes housekeepers, maintenance persons, and those who work in laundry facilities. S.B. 905 would require the Texas Department of Health to adopt a bloodborne pathogen standard governing occupational exposure of public employees to blood and other potentially infectious materials.

PURPOSE

As proposed, S.B. 905 sets forth standards for occupational exposure of public employees to bloodborne pathogens.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Health in SECTION 1 (Section 81.304 and Section 81.305(a), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 81, Health and Safety Code, by adding Subchapter H, as follows:

SUBCHAPTER H. BLOODBORNE PATHOGEN EXPOSURE

Sec. 81.301. DEFINITIONS. Defines “bloodborne pathogens,” “engineered sharps injury protection,” “governmental unit,” “needleless system,” “sharp,” and “sharps injury.”

Sec. 81.302. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to a governmental unit employs certain employees.

Sec. 81.303. EXPOSURE CONTROL PLAN. Requires the Texas Department of Health (department) to establish an exposure control plan designed to minimize exposure of employees described by Section 81.032 to bloodborne pathogens. Requires the department to consider certain items in developing the plan.

Sec. 81.304. MINIMUM STANDARDS. Requires the Texas Board of Health (board), by rule, to adopt minimum standards to implement the exposure control plan and the other provisions of this subchapter. Requires the rules to be at least as stringent as the analogous standards adopted by the federal Occupational Safety and Health Administration. Requires each governmental unit to comply with the minimum standards adopted under this subchapter.

Sec. 81.305. NEEDLELESS SYSTEMS. Requires the board, by rule, to require that a governmental unit implement needleless systems and sharps with engineered sharps injury protection for employees. Provides that the requirements adopted under Subsection (a) do not apply to the use of a needleless system or sharps with engineered sharps injury protection in certain circumstances. Requires at least half of the members of an evaluation committee established by a governmental unit to implement this subsection to be employees who have contract with the patients of provide services.

Sec. 81.306. SHARPS INJURY LOG. Requires the board, by rule, to require that information concerning exposure incidents be recorded in a written or electronic sharps injury log to be maintained by a governmental unit. Requires the information to include certain items.

Sec. 81.307. COMPILATION OF RESOURCES. Requires the department to compile and maintain a list of existing needleless systems and sharps with engineered sharps injury protection that will be available to assist governmental units to comply with this subchapter. Authorizes the sources used in developing the list to include certain organizations.

SECTION 2. Effective date: September 1, 1999. Requires the board to adopt the exposure control plan and the rules required by Chapter 81H, Health and Safety Code, as added by this Act, not later than February 1, 2000.

SECTION 3. Emergency clause.