

SENATE BILL 553

Unofficial Copy
J1

2000 Regular Session
(01r1601)

ENROLLED BILL

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senators Hollinger and Harris**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Health Care Workers' Safety Act - Bloodborne Pathogen Standard**

3 FOR the purpose of requiring the ~~Maryland Occupational Safety and Health Advisory~~
4 ~~Board to develop revisions to the Bloodborne Pathogen Standard for certain~~
5 ~~facilities including certain terms and requirements; requiring the Board to~~
6 ~~submit recommended revisions to the Commissioner of Labor and Industry and~~
7 ~~the Secretary of Health and Mental Hygiene by a certain date; requiring the~~
8 ~~Commissioner and the Secretary to jointly adopt regulations containing the~~
9 ~~recommendations by a certain date; requiring the Maryland Occupational~~
10 ~~Safety and Health Advisory Board to develop certain methods for monitoring~~
11 ~~certain injuries, adopt certain regulations, track certain injuries, and submit a~~
12 ~~certain report to the General Assembly on or before a certain date; defining~~
13 ~~certain terms *Commissioner of Labor and Industry in consultation with the*~~
14 ~~*Secretary of the Department of Health and Mental Hygiene to adopt regulations*~~
15 ~~*that implement the Bloodborne Pathogen Standard as established by the federal*~~
16 ~~*Occupational Safety and Health Administration; requiring the Commissioner to*~~
17 ~~*submit a certain notice and make certain recommendations to the General*~~

1 Assembly and certain committees of the General Assembly at a certain time; and
 2 generally relating to the Bloodborne Pathogen Standard.

3 BY adding to
 4 Article - Labor and Employment
 5 Section 5-1001 ~~through 5-1004~~ to be under the new subtitle "Subtitle 10.
 6 Bloodborne Pathogen Standard"
 7 Annotated Code of Maryland
 8 (1999 Replacement Volume)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Labor and Employment**

12 **SUBTITLE 10. BLOODBORNE PATHOGEN STANDARD.**

13 5-1001.

14 ~~(A) IN THIS SECTION SUBTITLE THE FOLLOWING WORDS HAVE THE~~
 15 ~~MEANINGS INDICATED.~~

16 ~~(B) (1) "BLOODBORNE PATHOGENS PATHOGEN" MEANS A PATHOGENIC~~
 17 ~~MICROORGANISMS MICROORGANISM THAT ARE IS PRESENT IN HUMAN BLOOD AND~~
 18 ~~CAN CAUSE DISEASE IN HUMANS.~~

19 ~~(2) "BLOODBORNE PATHOGENS PATHOGEN" INCLUDES:~~

20 ~~(I) HEPATITIS B VIRUS (HBV);~~

21 ~~(II) HEPATITIS C VIRUS (HCV); AND~~

22 ~~(III) HUMAN IMMUNODEFICIENCY VIRUS (HIV).~~

23 ~~(C) "ENGINEERED SHARPS INJURY PROTECTION" MEANS A PHYSICAL~~
 24 ~~ATTRIBUTE THAT:~~

25 ~~(1) IS BUILT INTO A NEEDLE DEVICE OR NONNEEDLE SHARP; AND~~

26 ~~(2) REDUCES EXPOSURE RISK BY:~~

27 ~~(I) CREATING A BARRIER;~~

28 ~~(II) BLUNTING;~~

29 ~~(III) ENCAPSULATION;~~

30 ~~(IV) WITHDRAWAL;~~

31 ~~(V) RETRACTION;~~

1 (VI) DESTRUCTION; OR

2 (VII) OTHER EFFECTIVE MECHANISMS.

3 (D) "NEEDLELESS SYSTEMS" MEANS DEVICES THAT DO NOT UTILIZE NEEDLES
4 AND THAT ARE USED FOR:

5 (1) THE WITHDRAWAL OF BODY FLUIDS AFTER INITIAL VENOUS OR
6 ARTERIAL ACCESS IS ESTABLISHED;

7 (2) THE ADMINISTRATION OF MEDICATION OR FLUIDS; AND

8 (3) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN
9 EXPOSURE INCIDENT.

10 (E) "HEALTH CARE WORKER" MEANS A PERSON WHO IS:

11 (1) LICENSED;

12 (2) CERTIFIED; OR

13 (3) OTHERWISE AUTHORIZED IN THE STATE TO PROVIDE HEALTH CARE
14 SERVICES IN THE COURSE OF THE PERSON'S ACTIVITIES IN THE A HEALTH CARE
15 SETTING.

16 (F) "HEALTH CARE FACILITY" MEANS A HEALTH CARE FACILITY AS DEFINED
17 IN § 19-101(F) OF THE HEALTH - GENERAL ARTICLE.

18 (G) (1) "SHARPS" MEANS ANY OBJECTS IN A HEALTH CARE SETTING THAT
19 CAN BE REASONABLY ANTICIPATED TO:

20 (I) PENETRATE THE SKIN OR ANY OTHER PART OF THE BODY; AND

21 (II) RESULT IN AN EXPOSURE INCIDENT.

22 (2) "SHARPS" INCLUDES:

23 (I) NEEDLE DEVICES;

24 (II) SCALPELS;

25 (III) LANCETS;

26 (IV) BROKEN GLASS;

27 (V) BROKEN CAPILLARY TUBES;

28 (VI) EXPOSED ENDS OF DENTAL WIRES; AND

29 (VII) DENTAL INSTRUMENTS.

1 ~~5-1002.~~

2 (A) ~~THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD,~~
3 ~~AFTER CONSULTATION WITH INTERESTED PARTIES, SHALL:~~

4 (1) ~~DEVELOP RECOMMENDATIONS FOR REVISION OF THE BLOODBORNE~~
5 ~~PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO BLOOD AND~~
6 ~~OTHER POTENTIALLY DANGEROUS MATERIALS IN HEALTH CARE FACILITIES; AND~~

7 (2) ~~SUBMIT RECOMMENDED REVISIONS TO THE COMMISSIONER OF~~
8 ~~LABOR AND INDUSTRY AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE ON~~
9 ~~OR BEFORE JANUARY 1, 2000 2001.~~

10 (B) ~~THE COMMISSIONER AND THE SECRETARY SHALL JOINTLY ADOPT~~
11 ~~REGULATIONS INCORPORATING THE BOARD'S RECOMMENDATIONS ON OR BEFORE~~
12 ~~JUNE 1, 2000 2001.~~

13 (C) ~~THE BLOODBORNE PATHOGEN STANDARD ADOPTED PURSUANT TO THIS~~
14 ~~SUBTITLE:~~

15 (1) ~~SHALL APPLY ONLY TO HEALTH CARE FACILITIES; AND~~

16 (2) ~~MAY NOT BE APPLIED TO INTERORAL PROCEDURES PERFORMED BY~~
17 ~~LICENSED DENTISTS.~~

18 (D) ~~THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD~~
19 ~~SHALL:~~

20 (1) ~~DEVELOP METHODS FOR MONITORING SHARPS INJURIES IN HEALTH~~
21 ~~CARE SETTINGS OUTSIDE OF HEALTH CARE FACILITIES;~~

22 (2) ~~ADOPT REGULATIONS THAT REQUIRE ALL HEALTH CARE WORKERS~~
23 ~~TO REPORT ALL SHARPS INJURIES;~~

24 (3) ~~TRACK AND MONITOR SHARPS INJURIES THAT OCCUR OUTSIDE OF~~
25 ~~HEALTH CARE FACILITIES; AND~~

26 (4) ~~REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246~~
27 ~~OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JUNE 1, 2001 ON THE NEED TO~~
28 ~~EXTEND THE BLOODBORNE PATHOGEN STANDARD TO ALL HEALTH CARE WORKERS.~~
29 ~~5-1003.~~

30 ~~THE BLOODBORNE PATHOGEN STANDARD FOR HEALTH CARE FACILITIES~~
31 ~~SHALL INCLUDE:~~

32 (1) ~~A REVISED DEFINITION OF ENGINEERING CONTROLS THAT~~
33 ~~INCLUDES ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY;~~

34 (2) ~~A DEFINITION OF BOTH NEEDLE AND NONNEEDLE ENGINEERED~~
35 ~~SHARPS INJURY PROTECTION;~~

1 (3) A REQUIREMENT THAT THE ENGINEERED SHARPS INJURY
2 PROTECTION TECHNOLOGY BE INCLUDED AS ENGINEERING OR WORK PRACTICE
3 CONTROLS;

4 (4) A WAIVER OF THE ENGINEERED SHARPS INJURY PROTECTION
5 TECHNOLOGY REQUIREMENTS WHEN THE EMPLOYER OR OTHER APPROPRIATE
6 PERSON CAN DEMONSTRATE THAT:

7 (I) NO DEVICE IS THEN AVAILABLE IN THE MARKETPLACE TO
8 PERFORM THE MEDICAL PROCEDURE BECAUSE OF LIMITS IN SUPPLY OR IN
9 TECHNOLOGY;

10 (II) THE TECHNOLOGY COMPROMISES THE PATIENT'S CARE OR
11 SAFETY;

12 (III) THE TECHNOLOGY IS NOT MORE EFFECTIVE IN PREVENTING
13 EXPOSURE INCIDENTS THAN THE ALTERNATIVE USED BY THE EMPLOYER; OR

14 (IV) SUFFICIENT INFORMATION IS NOT YET AVAILABLE ON THE
15 SAFETY PERFORMANCE OF THE DEVICE, AND THE EMPLOYER IS ACTIVELY
16 EVALUATING THE DEVICE;

17 (5) A REQUIREMENT THAT WRITTEN EXPOSURE CONTROL PLANS:

18 (I) ARE DEVELOPED WITH THE INVOLVEMENT OF HEALTH CARE
19 WORKERS; AND

20 (II) INCLUDE A PROCEDURE FOR IDENTIFYING AND SELECTING
21 EXISTING ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY;

22 (6) A REQUIREMENT THAT WRITTEN EXPOSURE CONTROL PLANS BE
23 UPDATED ANNUALLY OR AS NECESSARY TO REFLECT PROGRESS IN IMPLEMENTING
24 ENGINEERED SHARPS INJURY PROTECTION REQUIREMENTS;

25 (7) A REQUIREMENT THAT INFORMATION CONCERNING ALL EXPOSURE
26 INCIDENTS BE RECORDED IN A SHARPS INJURY LOG, INCLUDING INFORMATION ON
27 THE TYPE AND BRAND OF DEVICE INVOLVED IN THE INCIDENT; AND

28 (8) ADDITIONAL REQUIREMENTS TO PREVENT SHARPS INJURY OR
29 EXPOSURE INCIDENTS INCLUDING:

30 (I) TRAINING; AND

31 (II) MEASURES TO INCREASE VACCINATIONS.

32 ~~5-1004.~~

33 THIS SECTION MAY BE CITED AS THE "HEALTH CARE WORKERS' SAFETY ACT".

1 SECTION ~~2.~~ AND BE IT FURTHER ENACTED, That compliance with the
2 regulations adopted under Title 5, Subtitle 10 of the Labor and Employment Article
3 shall be required within 12 months following final adoption of the regulations.

4 (A) THE COMMISSIONER, IN CONSULTATION WITH THE SECRETARY OF THE
5 DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS TO
6 IMPLEMENT THE BLOODBORNE PATHOGEN STANDARD AS ESTABLISHED BY THE
7 FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION IN 29 C.F.R.
8 1910.1030, EFFECTIVE NOVEMBER 5, 1999.

9 (B) THE COMMISSIONER SHALL SUBMIT NOTICE REGARDING ANY
10 MODIFICATIONS MADE TO THE FEDERAL BLOODBORNE PATHOGEN STANDARD
11 AFTER NOVEMBER 5, 1999 AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT
12 ARTICLE, MAKE RECOMMENDATIONS FOR ANY LEGISLATIVE CHANGES TO THE
13 HOUSE ENVIRONMENTAL MATTERS COMMITTEE, THE SENATE ECONOMIC AND
14 ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE GENERAL ASSEMBLY WITHIN 30
15 DAYS OF THE ISSUANCE OF MODIFICATIONS TO THE BLOODBORNE PATHOGEN
16 STANDARD.

17 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect ~~June~~ October 1, 2000.