

SENATE BILL 553

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2000 Regular Session
Olr1601
CF 0lr1413

By: **Senators Hollinger and Harris**
Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 2000

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; and generally relating to the Bloodborne Pathogen Standard.

14 BY adding to
15 Article - Labor and Employment
16 Section 5-1001 through 5-1004 to be under the new subtitle "Subtitle 10.
17 Bloodborne Pathogen Standard"
18 Annotated Code of Maryland
19 (1999 Replacement Volume)

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

1 **Article - Labor and Employment**

2 SUBTITLE 10. BLOODBORNE PATHOGEN STANDARD.

3 5-1001.

4 (A) IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE
5 MEANINGS INDICATED.6 (B) (1) "BLOODBORNE ~~PATHOGENS~~ PATHOGEN" MEANS A PATHOGENIC
7 ~~MICROORGANISMS~~ MICROORGANISM THAT ~~ARE~~ IS PRESENT IN HUMAN BLOOD AND
8 CAN CAUSE DISEASE IN HUMANS.9 (2) "BLOODBORNE ~~PATHOGENS~~ PATHOGEN" INCLUDES:

10 (I) HEPATITIS B VIRUS (HBV);

11 (II) HEPATITIS C VIRUS (HCV); AND

12 (III) HUMAN IMMUNODEFICIENCY VIRUS (HIV).

13 (C) "ENGINEERED SHARPS INJURY PROTECTION" MEANS A PHYSICAL
14 ATTRIBUTE THAT:

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

16 (2) REDUCES EXPOSURE RISK BY:

17 (I) CREATING A BARRIER;

18 (II) BLUNTING;

19 (III) ENCAPSULATION;

20 (IV) WITHDRAWAL;

21 (V) RETRACTION;

22 (VI) DESTRUCTION; OR

23 (VII) OTHER EFFECTIVE MECHANISMS.

24 (D) "NEEDLELESS SYSTEMS" MEANS DEVICES THAT DO NOT UTILIZE NEEDLES
25 AND THAT ARE USED FOR:26 (1) THE WITHDRAWAL OF BODY FLUIDS AFTER INITIAL VENOUS OR
27 ARTERIAL ACCESS IS ESTABLISHED;

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

1 (3) ANY OTHER PROCEDURE INVOLVING THE POTENTIAL FOR AN
2 EXPOSURE INCIDENT.

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

4 (1) LICENSED;

5 (2) CERTIFIED; OR

6 (3) OTHERWISE AUTHORIZED IN THE STATE TO PROVIDE HEALTH CARE
7 SERVICES IN THE COURSE OF THE PERSON'S ACTIVITIES IN THE A HEALTH CARE
8 SETTING.

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

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

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

14 (II) RESULT IN AN EXPOSURE INCIDENT.

15 (2) "SHARPS" INCLUDES:

16 (I) NEEDLE DEVICES;

17 (II) SCALPELS;

18 (III) LANCETS;

19 (IV) BROKEN GLASS;

20 (V) BROKEN CAPILLARY TUBES;

21 (VI) EXPOSED ENDS OF DENTAL WIRES; AND

22 (VII) DENTAL INSTRUMENTS.

23 5-1002.

24 (A) THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD,
25 AFTER CONSULTATION WITH INTERESTED PARTIES, SHALL:

26 (1) DEVELOP RECOMMENDATIONS FOR REVISION OF THE BLOODBORNE
27 PATHOGEN STANDARD GOVERNING OCCUPATIONAL EXPOSURE TO BLOOD AND
28 OTHER POTENTIALLY DANGEROUS MATERIALS IN HEALTH CARE FACILITIES; AND

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

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

4 (C) THE BLOODBORNE PATHOGEN STANDARD ADOPTED PURSUANT TO THIS
5 SUBTITLE:

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

7 (2) MAY NOT BE APPLIED TO INTERORAL PROCEDURES PERFORMED BY
8 LICENSED DENTISTS.

9 (D) THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD
10 SHALL:

11 (1) DEVELOP METHODS FOR MONITORING SHARPS INJURIES IN HEALTH
12 CARE SETTINGS OUTSIDE OF HEALTH CARE FACILITIES;

13 (2) ADOPT REGULATIONS THAT REQUIRE ALL HEALTH CARE WORKERS
14 TO REPORT ALL SHARPS INJURIES;

15 (3) TRACK AND MONITOR SHARPS INJURIES THAT OCCUR OUTSIDE OF
16 HEALTH CARE FACILITIES; AND

17 (4) REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246
18 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE JUNE 1, 2001 ON THE NEED TO
19 EXTEND THE BLOODBORNE PATHOGEN STANDARD TO ALL HEALTH CARE WORKERS.
20 5-1003.

21 THE BLOODBORNE PATHOGEN STANDARD FOR HEALTH CARE FACILITIES
22 SHALL INCLUDE:

23 (1) A REVISED DEFINITION OF ENGINEERING CONTROLS THAT
24 INCLUDES ENGINEERED SHARPS INJURY PROTECTION TECHNOLOGY;

25 (2) A DEFINITION OF BOTH NEEDLE AND NONNEEDLE ENGINEERED
26 SHARPS INJURY PROTECTION;

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

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

33 (I) NO DEVICE IS THEN AVAILABLE IN THE MARKETPLACE TO
34 PERFORM THE MEDICAL PROCEDURE BECAUSE OF LIMITS IN SUPPLY OR IN
35 TECHNOLOGY;

1 (II) THE TECHNOLOGY COMPROMISES THE PATIENT'S CARE OR
2 SAFETY;

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

5 (IV) SUFFICIENT INFORMATION IS NOT YET AVAILABLE ON THE
6 SAFETY PERFORMANCE OF THE DEVICE, AND THE EMPLOYER IS ACTIVELY
7 EVALUATING THE DEVICE;

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

9 (I) ARE DEVELOPED WITH THE INVOLVEMENT OF HEALTH CARE
10 WORKERS; AND

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

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

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

19 (8) ADDITIONAL REQUIREMENTS TO PREVENT SHARPS INJURY OR
20 EXPOSURE INCIDENTS INCLUDING:

21 (I) TRAINING; AND

22 (II) MEASURES TO INCREASE VACCINATIONS.

23 5-1004.

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

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 June 1, 2000.

