

OSHA'S BLOODBORNE PATHOGENS STANDARD

ANA POSITION

ANA opposes any efforts to weaken the Occupational Safety and Health Administration (OSHA) and its efforts to protect workers. ANA supports increased research of occupational health and safety hazards in health care facilities and the development of guidelines and standards to reduce employee exposures. ANA supports legislation expanding education and training of health care workers regarding hazards and protective measures.

ANA's safety and health agenda includes continued enforcement of the Bloodborne Pathogen Standard and increased utilization of needleless systems. ANA also supports expanding current protections from needlestick injuries to nurses and other health care workers who are employed by state and local governments.

BACKGROUND

The Needlestick Safety and Prevention Act (P.L. 106-430) amends the existing Bloodborne Pathogen Standard administered by the Occupational Safety and Health Administration (OSHA) to require the use of safer devices to protect from sharps injuries. It also requires that employers solicit the input of nonmanagerial employees responsible for direct patient care—those who are potentially exposed to sharps injuries—in identification, evaluation and selection of effective engineering and work-practice controls. The new law also requires employers to maintain a sharp injury log to contain, at a minimum the type and brand of device involved in the incident; the department or work area where the exposure incident occurred; and an explanation of how the incident occurred. The information will be recorded and maintained in a way that will protect the confidentiality of the injured employees. The log will be an important source of data for researchers to determine the relative effectiveness and safety of devices now on the market and those that may be developed in the future. This important legislation was enacted in 2000 with the broad support of stakeholders in the health care industry. **As a result of this important legislation, countless nurses have been saved from the fate of acquiring HIV, hepatitis C and other bloodborne diseases that result from preventable needlestick injuries.**

Unfortunately, neither the federal Occupational Safety and Health Act (OSHA) nor OSHA, the agency, covers state, county, or municipal workers. However, state and local government employees can become covered by federal safety and health standards if a state establishes a federally approved OSHA program. There are federally approved programs in 23 states (plus Puerto Rico and the Virgin Islands).

A number of the remaining states have approved their own workplace safety and health laws to cover public workers, but these states are not obligated to meet OSHA regulations, including the Bloodborne Pathogens Standard, which is aimed at limiting worker exposure to bloodborne diseases.

RATIONALE

Health care workers in public hospitals should be assured the same protections from infection from bloodborne diseases as those in the private sector. Since OSHA protections do not reach state and local employees unless the states adopt the standards, these protections could be extended as a condition of participation in the Medicare program, administered and enforced by the Centers for Medicare and Medicaid Services (CMS).