

ISSUE BRIEF



DOL Final Rule on Use of Lifts Will Negatively Impact Employee & Patient/Resident Safety

The American Health Care Association and National Center for Assisted Living (AHCA/NCAL) strongly believes in creating the safest workplace environment possible for employees and the safest clinical environment for patients and residents. We are concerned that the U.S. Department of Labor final rule, *Child Labor Regulations, Orders & Statements of Interpretation* (75 *Federal Register* 28404), which intended to improve upon existing regulations protecting youths under the age of 18 working in non-agricultural settings, will negatively affect both patients and employees working in post-acute, long term, and residential care settings.

The rule prohibits 16- and 17-year old workers from using safe patient handling apparatus or hoists as part of their assigned duties. The rule repeals a previous exemption allowing 16- and 17-year olds to operate electric- and air-powered hoists of less than one-ton capacity; however, the DOL considers patient lifts to be part of this newly prohibited category. This prohibition is not in the best interest of employees or residents as safe patient handling devices help to prevent both employees and those residents needing assistance from injury. In addition to having a significant, detrimental impact on post-acute, long term, and residential care provisions, AHCA/NCAL is concerned by the apparent lack of evidence or data to support DOL's conclusion that this equipment places employees under the age of 18 at increased risk of injury.

AHCA/NCAL believes that this rule will significantly compromise a facility's ability to maintain the safest work environs for minor employees in health care and residential care settings, as well as the safest clinical setting for patients and residents.

The ramifications of this new rule extend beyond those young adults working in long term care settings. The rule would impact youth apprenticeship and health care career ladder programs across the country. In fact, this new rule creates a disincentive for employers in hiring minor employees, as evidenced by plummeting enrollment in apprenticeship and career ladder programs. The longer-term effects of this rule could impact both the current and future supply of vital health care professionals and paraprofessionals.

AHCA/NCAL seeks Congressional intervention with the U.S. Department of Labor so that a better resolution may be achieved, which protects both minor workers and patients/residents equally.

Ask Congress...

- To intervene with the U.S. Department of Labor so that a better resolution may be achieved, which protects minor workers & patients/residents equally.

Key Facts

- According to HHS & DOL, 5.7 million – 6.5 million nurses, nurse aides, home health & personal care workers will be needed to care for the 27 million Americans will require some type of long term care by 2050.

Contact

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