



Submitted Electronically

December 11, 2018

Melissa Smith

Director of the Division of Regulations, Legislation, and Interpretation

Wage and Hour Division

U.S. Department of Labor

200 Constitution Avenue NW

Washington, DC 20210

Re: *RIN 1235-AA22 -Expanding Employment, Training and Apprenticeship Opportunities for 16- and 17-Year-Olds in Health Care Occupations Under the Fair Labor Standards Act*

Dear Ms. Smith,

On behalf of LeadingAge Minnesota, I am writing to express our strong support of the proposal to remove the current restrictions that prevent 16- and 17-year old employees in health care occupations from independently operating power-driven lifts. Together with more than 50,000 caregivers, LeadingAge Minnesota members provide quality, compassionate care to 63,000 older adults every day in all the places they call home, including independent senior housing, assisted living communities, in-home care, adult day services and skilled nursing facilities.

The proposed rule will expand employment opportunities in the aging services sector, which would benefit both the teens, who would gain valuable work experience, skills and exposure to our field, and employers in this sector, who rely on sufficient numbers of qualified staff to provide quality, person-centered care.

Minnesota's population has been aging rapidly for some time, and the steepest increase is just beginning. Between 2020 and 2040, the number of people age 85 and older in Minnesota will more than double. These statistics are especially impactful in the rural regions of Minnesota, where there is already a high proportion of older adults.

Not surprisingly, the aging-services field in Minnesota faces serious workforce shortages. In Minnesota nursing homes, the statewide average vacancy rate in nursing assistant positions is approximately 15%, and staff vacancy rates are climbing in our assisted living settings as well. Notably, workforce shortages affect not only aging services providers but also the seniors they serve. Many of our member organizations have shared with us, for example, that at times they must deny admissions due to shortages in essential staff.

In short, the ability for 16- and 17-year-olds to operate power-driven lifts independently will expand opportunities for young workers to play an important role in the care of older Minnesotans and gain a valuable start in the health care field.

The proposed rule also underscores the importance of safety. As the Department's notice of proposed rulemaking indicates, the current policy often necessitates those who work in healthcare occupations to lift patients manually – a practice that is riskier than using a power-driven lift.

According to OSHA's 2003 (updated 2009) ergonomics guidelines for nursing homes, manual lifting of residents should be minimized in all cases and eliminated when feasible. Likewise, the National Institute for Occupational Safety and Health's 2006 guide to safe lifting and movement of nursing homes notes that safe resident lifting programs that incorporate mechanical lifting equipment can protect workers from injury, reduce workers' compensation costs, and improve the quality of care delivered to residents.

Locally, Minnesota lawmakers recognized the importance of these issues in 2007, with passage of the Safe Patient Handling Act (Minn. Stat. 182.6551 et seq.) Under this law, all Minnesota nursing homes are required to adopt a written safe patient handling policy, establishing plan to achieve the goal of minimizing manual lifting of patients by nurses and other direct patient care workers by utilizing safe patient handling equipment.

The Act requires the facility's policy to address initial and ongoing training of nurses and other direct patient care workers on the use of this equipment. And each facility must have a safe patient handling committee that completes a patient handling hazard assessment that considers patient handling tasks and patient populations, and that conducts annual evaluations of the safe patient handling implementation plan and progress toward goals established in the safe patient handling policy. These state standards supplement the federal standards for certification of nursing assistants, which also require training in transfers, positioning and turning of residents.

Taking these requirements into view, along with the best practices and related guidelines available from OSHA, NIOSH and others, we are confident that aging service providers will provide 16- and 17-year old workers with the training and supervision necessary for them to operate power-driven patient lifts independently in a safe manner.

In summary, we agree with the Department's view that this proposal, if enacted, "would increase the participation of young workers in health care occupations and enhance their future career skills and their earning potential, without reducing worker safety."

Thank you for your consideration of our comments.

Sincerely,

Jonathan W. Lips,
Vice President of Legal and Regulatory Affairs
LeadingAge Minnesota