

**Proponent Testimony**  
**HB No. 81**  
**By Lisa Hale**  
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**Greene County, Ohio**  
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Chair Brinkman, Vice Chair Antani, Ranking Member Boggs, and members of the House Insurance Committee, thank you for the opportunity to testify on behalf of House Bill 81.

My name is Lisa Hale and I am the Assistant County Administrator and Director of Risk Management at Greene County. On Friday I will celebrate twenty years of service with the County. Although my title and areas of oversight have evolved during that time, one area always under my purview is workers compensation.

Workers comp is designed to protect both the Employee and the Employer - the employer from potential liability for on-the-job injuries and the employee from medical expenses and wage loss from a work-related accident. One type of claim routinely denied by the BWC, providing no protection for neither the Employee nor the Employer, is exposure claims to a Corrections Officer.

As you have heard, exposure claims occur when potentially infectious bodily fluids contact the eyes, mouth, or open skin of another individual. In 2003 Ohio Revised Code Section 4123.026 instructed the BWC administrator or self-insuring public employer to cover certain defined exposure claims for certain defined employees. Soon after, the BWC adopted related claims management guidelines. For those employees specifically listed, the BWC will cover the complete battery of post-exposure medical diagnostic testing for various communicable diseases such as HIV and Hepatitis as recommended by basic medical protocol. But because Corrections Officers are not included in the covered employee definition, the same exposure that would be a covered claim for another, for them is denied.

At Greene County we have made special provisions to ensure our Corrections Officers are not burdened with bills related to that baseline testing. We appeal the BWC denial, we appear at the hearing to support the claim and after the second level denial, we submit the claim through the County's employee group health plan. But because group health plans have a standard exclusion against paying occupational expenses that should be covered by the BWC, we must also prove the denial to United HealthCare before they will process the claims. Lastly we actually pay the employee's health plan co-pays to the hospital and lab. The complexity involved is completely unreasonable. These expenses should not have to be paid by the employee, by the employer, or by our self-funded employee health plan. They were incurred for medically recommended testing from a solely occupational incident. The only appropriate payor is the bureau of workers compensation.

Corrections officers fill the front-line positions in jails and facilities across our State. They perform extremely challenging and important work. Yet we have had COs suffer the indignity of having a taunting inmate spit in their face or throw urine and feces on them and we have had a CO be covered with various fluids while cutting down an inmate who was attempting suicide by hanging – only to be told by the BWC their very minimal claim for basic baseline lab tests is denied. What is ironic is if they had also sustained a physical injury in the incident (back, arm, knee, neck, etc.) the BWC would not only cover treatment for that injury but also the baseline testing from the bodily fluid exposure. The difference is the additional physical injury. The BWC's denial of exposure claims without a physical injury is why 4123.026 was needed and enacted back in 2003. Exposure-only claims should be covered for these employees. We believe House Bill 81 provides crucial additions to extend that equal protection.

Chair Brinkman, Vice Chair Antani, Ranking Member Boggs, and Committee members, I thank you for the opportunity to speak today and will be happy to answer any questions you may have.