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H.B. 81
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Perales

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Summary

- Requires, under specified conditions, the Administrator of Workers' Compensation or a self-insuring employer to pay for services used to determine whether a detention facility employee sustained an injury or occupational disease after exposure to another person's blood or bodily fluids.

Detailed Analysis

Post exposure testing for detention facility employees

The bill expands the current post-exposure testing law, which covers diagnostic testing for specified safety officers under certain conditions, to include detention facility employees. Under the bill, the Administrator of Workers' Compensation, or a detention facility that is a self-insuring employer (an employer authorized to directly pay compensation and benefits in a claim), must pay for post-exposure medical diagnostic services to investigate whether a person employed by a detention facility, including a corrections officer, sustained an injury or occupational disease from coming into contact with the blood or other body fluid of another person in the course of and arising out of the employee's employment. Under continuing law, post exposure diagnostic tests are covered if they are consistent with the standards of medical care existing at the time of exposure and the employee came into contact with the blood or bodily fluid through any of the following means:

- A splash or spatter in the eye or mouth, including when received in the course of conducting mouth-to-mouth resuscitation;
- A puncture in the skin;
- A cut in the skin or another opening in the skin such as an open sore, wound, lesion, abrasion, or ulcer.¹

¹ R.C. 4123.026(A).

The bill defines “corrections officer” as a person employed by a detention facility as a corrections officer. A “detention facility” is any public or private place used for the confinement of a person charged with or convicted of any state or federal crime or found to be a delinquent child or unruly child under any state or federal law.²

Currently, all of the following employees are covered by the post-exposure testing requirement:

- A peace officer who has arrest powers under the Arrest, Citation, and Disposition Alternatives Law (a correction officer is not considered a peace officer for this Law);
- A paid or volunteer firefighter of a lawfully constituted fire department;
- A paid or volunteer emergency medical worker, which is a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under the Emergency Medical Services Law.³

According to the Industrial Commission, the administrative body that adjudicates claims under the Workers’ Compensation Law,⁴ “[t]he list of covered individuals and job classifications is extensive, but the classification of a ‘corrections officer’ is not [currently] included.”⁵

Under continuing law, any employee who is injured or who contracts an occupational disease in the course of employment is entitled to necessary medical, nurse, and hospital services and medicines.⁶ Thus, if a detention facility employee suffers an injury or contracts an occupational disease in the course of employment, and diagnostic tests are a necessary part of treatment, the costs currently are covered if the claim is otherwise compensable. The bill applies only to post-exposure medical tests used to investigate whether the employee sustained an injury or occupational disease.⁷

History

Action	Date
Introduced	02-19-19

H0081-I-133/ec

² R.C. 4123.026(B).

³ R.C. 4123.026, by reference to R.C. 2935.01, not in the bill, and R.C. Chapter 4765.

⁴ R.C. Chapters 4121, 4123, 4127, and 4131.

⁵ Ohio Industrial Commission, Record of Proceedings, Claim 06-344388, 2007 WL 9703017.

⁶ R.C. 4123.54 and 4123.66, not in the bill.

⁷ See, e.g., Ohio Industrial Commission, Record of Proceedings, Claim 08-351946, 2008 WL 11408637.