

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 170

**REPRESENTATIVES Schuring, Flowers, Schaffer, Willamowski, Seitz,
Husted, Ogg, Cirelli, Webster, Barrett, Roman**

A B I L L

To amend sections 3924.53 and 5120.56 and to enact 1
sections 5120.57 and 5120.58 of the Revised Code 2
relative to health care services provided to 3
offenders who are in the custody or under the 4
supervision of the Department of Rehabilitation and 5
Correction. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3924.53 and 5120.56 be amended and 7
sections 5120.57 and 5120.58 of the Revised Code be enacted to 8
read as follows: 9

Sec. 3924.53. (A) As used in this section: 10

(1) "Beneficiary" and "benefits contract" have the same 11
meanings as in section 3901.38 of the Revised Code. 12

(2) "Confinement" means any period of time during which a 13
person is in the custody or under the supervision of the 14
department of rehabilitation and correction or is confined in a 15
local jail, workhouse, or other correctional facility of the type 16
described in section 307.93, 341.14, 341.19, 341.23, 753.02, 17
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code. 18

(3) "Law enforcement officer" has the same meaning as in 19

section 2901.01 of the Revised Code. 20

(B) Except as provided in division (C) of this section, no 21
benefits contract shall limit or exclude coverage for the reason 22
that the beneficiary is under confinement or is otherwise under 23
the custody of a law enforcement officer, and a governmental 24
entity is wholly or primarily responsible for rendering or 25
arranging for the rendering of health care services for the 26
beneficiary. 27

(C) A benefits contract may limit or exclude coverage for 28
health care services rendered to such a beneficiary if the injury 29
or sickness for which the services were rendered resulted from an 30
action or omission for which the governmental entity operating the 31
correctional facility, or the governmental entity with which the 32
law enforcement officer is affiliated, is liable. 33

Sec. 5120.56. (A) As used in ~~this section~~ sections 5120.56 to 34
5120.58 of the Revised Code: 35

(1) "Ancillary services" means services provided to an 36
offender as necessary for the particular circumstances of the 37
offender's personal supervision, including, but not limited to, 38
specialized counseling, testing, or other services not included in 39
the calculation of residential or supervision costs. 40

(2) "Cost debt" means a cost of incarceration or supervision 41
that may be assessed against and collected from an offender as a 42
debt to the state as described in division (D) of this section. 43

(3) "Detention facility" means any place used for the 44
confinement of a person charged with or convicted of any crime. 45

(4) "Offender" means any inmate, parolee, probationer, 46
releasee, or other person who has been convicted of or pleaded 47
guilty to any felony or misdemeanor and is sentenced to any of the 48
following: 49

(a) A term of imprisonment, a prison term, or another type of confinement in a detention facility; 50
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(b) Participation in another correctional program in lieu of incarceration. 52
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(B) The department of rehabilitation and correction may recover from an offender who is in its custody or under its supervision any cost debt described in division (D) of this section. To satisfy a cost debt described in that division that relates to an offender, the department may apply directly assets that are in the department's possession and that are being held for that offender without further proceedings in aid of execution, and, if assets belonging to or subject to the direction of that offender are in the possession of a third party, the department may request the attorney general to initiate proceedings to collect the assets from the third party to satisfy the cost debt. 54
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(C) Except as otherwise provided in division (E) or (G) of this section, all of the following assets of an offender shall be subject to attachment, collection, or application toward the cost debts described in division (D) of this section that are to be recovered under division (B) of this section: 65
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(1) Subject to division (E) of this section, any pay the offender receives from the state; 70
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(2) Subject to division (E) of this section, any funds the offender receives from persons on an approved visitor list; 72
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(3) Any liquid assets belonging to the offender and in the custody of the department ~~of rehabilitation and correction~~; 74
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(4) Any assets the offender acquires or any other income the offender earns subsequent to the offender's commitment. 76
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(D) Costs of incarceration or supervision that may be assessed against and collected from an offender under division (B) 78
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of this section as a debt to the state shall include, but are not
limited to, all of the following costs that accrue while the
offender is in the custody or under the supervision of the
department of ~~rehabilitation and correction~~:

(1) Any user fee or copayment for services at a detention
facility or housing facility, including, but not limited to, a fee
or copayment for sick call visits;

(2) Assessment for damage to or destruction of property in a
detention facility subsequent to commitment;

(3) Restitution to an offender or to a staff member of a
state correctional institution for theft, loss, or damage to the
personal property of the offender or staff member;

(4) The cost of housing and feeding the offender in a
detention facility;

(5) The cost of supervision of the offender;

(6) The cost of any ancillary services provided to the
offender;

(7) The cost of any medical care provided to the offender.

(E) The cost of housing and feeding an offender in a state
correctional institution shall not be collected from a payment
made to the offender for performing an activity at a state job or
assignment that pays less than the minimum wage or from money the
offender receives from visitors, unless the combined assets in the
offender's institution personal account exceed, at any time, one
hundred dollars. If the combined assets in that account exceed one
hundred dollars, the cost of housing and feeding the offender may
be collected from the amount in excess of one hundred dollars.

(F)(1) The department of ~~rehabilitation and correction~~ shall
adopt rules pursuant to section 111.15 of the Revised Code to
implement the requirements of this section.

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(2) The rules adopted under division (F)(1) of this section shall include, but are not limited to, rules that establish or contain all of the following:

(a) A process for ascertaining the items of cost to be assessed against an offender;

(b) Subject to division (F)(3) of this section, a process by which the offender shall have the opportunity to respond to the assessment of costs under division (B) of this section and to contest any item of cost in the department's calculation or as it applies to the offender;

(c) A requirement that the offender be notified, in writing, of a final decision to collect or apply the offender's assets under division (B) of this section and that the notification be provided after the offender has had an opportunity to contest the application or collection;

(d) Criteria for evaluating an offender's ongoing, permanent injury and evaluating the ability of that type of offender to provide for the offender after incarceration.

(3) The rules adopted under division (F)(1) of this section may allow the collection of a cost debt as a flat fee or over time in installments. If the cost debt is to be collected over time in installments, the rules are not required to permit the offender an opportunity to contest the assessment of each installment. The rules may establish a standard fee to apply to all offenders who receive a particular service.

(G) The department ~~of rehabilitation and correction~~ shall not collect cost debts or apply offender assets toward a cost debt under division (B) of this section if, due to an ongoing, permanent injury, the collection or application would unjustly limit the offender's ability to provide for the offender after incarceration.

(H) If an offender acquires assets after the offender is convicted of or pleads guilty to an offense and if the transferor knows of the offender's status as an offender, the transferor shall notify the department of ~~rehabilitation and correction~~ in advance of the transfer.

(I) There is hereby created in the state treasury the offender financial responsibility fund. All moneys collected by or on behalf of the department under this section, and all moneys currently in the department's custody that are applied to satisfy an allowable cost debt under this section, shall be deposited into the fund. The department of ~~rehabilitation and correction~~ may expend moneys in the fund for goods and services of the same type as those for which offenders are assessed pursuant to this section.

Sec. 5120.57. (A) For each offender who is in the custody or under the supervision of the department of rehabilitation and correction, the department may make a determination as to whether the offender is covered under a health insurance or health care policy, contract, or plan and, if the offender has such coverage, what terms and conditions are imposed by it for the filing and payment of claims.

(B) If, pursuant to division (A) of this section, it is determined that the offender is covered under a policy, contract, or plan and, while that coverage is in force, the department renders or arranges for the rendering of health care services to the person in accordance with the terms and conditions of the policy, contract, or plan, then the offender, department, or provider of the health care services, as appropriate under the terms and conditions of the policy, contract, or plan, shall promptly submit a claim for payment for the health care services to the appropriate third-party payer and shall designate, or make

any other arrangement necessary to ensure, that payment of any 172
amount due on the claim be made to the department or the provider, 173
as the case may be. 174

(C) Any payment made to the department pursuant to division 175
(B) of this section shall be deposited into the offender financial 176
responsibility fund created in section 5120.56 of the Revised 177
Code. 178

Sec. 5120.58. The department of rehabilitation and correction 179
shall adopt rules under section 111.15 of the Revised Code to do 180
all of the following: 181

(A) Define the health care services that are available to 182
offenders who are in the custody or under the supervision of the 183
department; 184

(B) Establish a program to encourage the utilization of 185
preventive health care services by offenders; 186

(C) Establish a utilization review program under which the 187
clinical necessity, appropriateness, efficacy, or efficiency of 188
any health care service recommended for an offender is evaluated 189
by an external utilization review organization. 190

Section 2. That existing sections 3924.53 and 5120.56 of the 191
Revised Code are hereby repealed. 192

Section 3. The Department of Rehabilitation and Correction 193
shall examine the feasibility and desirability of purchasing 194
insurance coverage to protect against unpredictable or 195
catastrophic losses that may be incurred by the state in the 196
provision of health care services to offenders who are in the 197
custody or under the supervision of the Department. No later than 198
December 31, 2001, the Department shall report its findings and 199
any recommendations to the Speaker of the House of 200

Representatives, the President of the Senate, and the chairs of	201
the standing committees of the House of Representatives and the	202
Senate that have primary jurisdiction over issues related to the	203
Department.	204