

**As Passed by the House**

**124th General Assembly  
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**Sub. H. B. No. 170**

**REPRESENTATIVES Schuring, Flowers, Schaffer, Willamowski, Seitz,  
Husted, Ogg, Cirelli, Webster, Barrett, Roman, Reidelbach, Niehaus,  
Lendrum, Carmichael, Hollister, Schmidt, Otterman, Cates, Schneider,  
Manning, Hartnett, Latell, Britton, Rhine, Buehrer, Carey, Grendell, Perry,  
Salerno, Widowfield**

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**A B I L L**

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

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

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

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

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

(2) "Confinement" means any period of time during which a  
person is in the custody or under the supervision of the  
department of rehabilitation and correction or is confined in a  
local jail, workhouse, or other correctional facility of the type

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  
guilty to any felony or misdemeanor and is sentenced to any of the  
following:

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(a) A term of imprisonment, a prison term, or another type of  
confinement in a detention facility;

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(b) Participation in another correctional program in lieu of  
incarceration.

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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.

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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:

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(1) Subject to division (E) of this section, any pay the  
offender receives from the state;

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(2) Subject to division (E) of this section, any funds the  
offender receives from persons on an approved visitor list;

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(3) Any liquid assets belonging to the offender and in the  
custody of the department ~~of rehabilitation and correction;~~

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(4) Any assets the offender acquires or any other income the

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offender earns subsequent to the offender's commitment. 77

(D) Costs of incarceration or supervision that may be 78  
assessed against and collected from an offender under division (B) 79  
of this section as a debt to the state shall include, but are not 80  
limited to, all of the following costs that accrue while the 81  
offender is in the custody or under the supervision of the 82  
department ~~of rehabilitation and correction~~: 83

(1) Any user fee or copayment for services at a detention 84  
facility or housing facility, including, but not limited to, a fee 85  
or copayment for sick call visits; 86

(2) Assessment for damage to or destruction of property in a 87  
detention facility subsequent to commitment; 88

(3) Restitution to an offender or to a staff member of a 89  
state correctional institution for theft, loss, or damage to the 90  
personal property of the offender or staff member; 91

(4) The cost of housing and feeding the offender in a 92  
detention facility; 93

(5) The cost of supervision of the offender; 94

(6) The cost of any ancillary services provided to the 95  
offender; 96

(7) The cost of any medical care provided to the offender. 97

(E) The cost of housing and feeding an offender in a state 98  
correctional institution shall not be collected from a payment 99  
made to the offender for performing an activity at a state job or 100  
assignment that pays less than the minimum wage or from money the 101  
offender receives from visitors, unless the combined assets in the 102  
offender's institution personal account exceed, at any time, one 103  
hundred dollars. If the combined assets in that account exceed one 104  
hundred dollars, the cost of housing and feeding the offender may 105  
be collected from the amount in excess of one hundred dollars. 106

(F)(1) The department of ~~rehabilitation and correction~~ shall 107  
adopt rules pursuant to section 111.15 of the Revised Code to 108  
implement the requirements of this section. 109

(2) The rules adopted under division (F)(1) of this section 110  
shall include, but are not limited to, rules that establish or 111  
contain all of the following: 112

(a) A process for ascertaining the items of cost to be 113  
assessed against an offender; 114

(b) Subject to division (F)(3) of this section, a process by 115  
which the offender shall have the opportunity to respond to the 116  
assessment of costs under division (B) of this section and to 117  
contest any item of cost in the department's calculation or as it 118  
applies to the offender; 119

(c) A requirement that the offender be notified, in writing, 120  
of a final decision to collect or apply the offender's assets 121  
under division (B) of this section and that the notification be 122  
provided after the offender has had an opportunity to contest the 123  
application or collection; 124

(d) Criteria for evaluating an offender's ongoing, permanent 125  
injury and evaluating the ability of that type of offender to 126  
provide for the offender after incarceration. 127

(3) The rules adopted under division (F)(1) of this section 128  
may allow the collection of a cost debt as a flat fee or over time 129  
in installments. If the cost debt is to be collected over time in 130  
installments, the rules are not required to permit the offender an 131  
opportunity to contest the assessment of each installment. The 132  
rules may establish a standard fee to apply to all offenders who 133  
receive a particular service. 134

(G) The department of ~~rehabilitation and correction~~ shall not 135  
collect cost debts or apply offender assets toward a cost debt 136  
under division (B) of this section if, due to an ongoing, 137

permanent injury, the collection or application would unjustly 138  
limit the offender's ability to provide for the offender after 139  
incarceration. 140

(H) If an offender acquires assets after the offender is 141  
convicted of or pleads guilty to an offense and if the transferor 142  
knows of the offender's status as an offender, the transferor 143  
shall notify the department ~~of rehabilitation and correction~~ in 144  
advance of the transfer. 145

(I) There is hereby created in the state treasury the 146  
offender financial responsibility fund. All moneys collected by or 147  
on behalf of the department under this section, and all moneys 148  
currently in the department's custody that are applied to satisfy 149  
an allowable cost debt under this section, shall be deposited into 150  
the fund. The department ~~of rehabilitation and correction~~ may 151  
expend moneys in the fund for goods and services of the same type 152  
as those for which offenders are assessed pursuant to this 153  
section. 154

Sec. 5120.57. (A) For each offender who is in the custody or 155  
under the supervision of the department of rehabilitation and 156  
correction, the department may make a determination as to whether 157  
the offender is covered under a health insurance or health care 158  
policy, contract, or plan and, if the offender has such coverage, 159  
what terms and conditions are imposed by it for the filing and 160  
payment of claims. 161

(B) If, pursuant to division (A) of this section, it is 162  
determined that the offender is covered under a policy, contract, 163  
or plan and, while that coverage is in force, the department 164  
renders or arranges for the rendering of health care services to 165  
the person in accordance with the terms and conditions of the 166  
policy, contract, or plan, then the department or provider of the 167  
health care services, as appropriate under the terms and 168

conditions of the policy, contract, or plan, may promptly submit a 169  
claim for payment for the health care services to the appropriate 170  
third-party payer and may designate, or make any other arrangement 171  
necessary to ensure, that payment of any amount due on the claim 172  
be made to the department or the provider, as the case may be. If 173  
the policy, contract, or plan is a defined provider plan or a plan 174  
with a closed panel of providers, the department may arrange for 175  
the defined provider or closed panel under the plan to render 176  
health care services to the offender at a site approved by the 177  
department. The department shall have the right of subrogation 178  
against the appropriate third-party payer, defined provider, or 179  
closed panel for any costs for health care services provided to 180  
the offender. 181

(C) Any payment made to the department pursuant to division 182  
(B) of this section shall be deposited into the offender financial 183  
responsibility fund created in section 5120.56 of the Revised 184  
Code. 185

**Sec. 5120.58.** The department of rehabilitation and correction 186  
shall adopt rules under section 111.15 of the Revised Code to do 187  
both of the following: 188

(A) Establish a schedule of health care benefits that are 189  
available to offenders who are in the custody or under the 190  
supervision of the department; 191

(B) Establish a program to encourage the utilization of 192  
preventive health care services by offenders. 193

**Section 2.** That existing sections 3924.53 and 5120.56 of the 194  
Revised Code are hereby repealed. 195

**Section 3.** (A) The Department of Rehabilitation and 196  
Correction shall examine the feasibility and desirability of 197

purchasing insurance coverage to protect against unpredictable or 198  
catastrophic losses that may be incurred by the state in the 199  
provision of health care services to offenders who are in the 200  
custody or under the supervision of the Department. No later than 201  
six months after the effective date of this act, the Department 202  
shall report its findings and any recommendations to the Speaker 203  
of the House of Representatives, the President of the Senate, and 204  
the chairs of the standing committees of the House of 205  
Representatives and the Senate that have primary jurisdiction over 206  
issues related to the Department. 207

(B) The Department of Rehabilitation and Correction shall 208  
develop specifications for a utilization review program under 209  
which the clinical necessity, appropriateness, efficacy, or 210  
efficiency of any outside health care service recommended for an 211  
offender may be evaluated by an external utilization review 212  
organization. The Department shall request proposals for the 213  
provision of services of that nature. The request for proposals 214  
shall adequately describe the specifications developed by the 215  
Department. Within six months after the effective date of this 216  
section, the Department shall report the responses to the request 217  
for proposals to the Speaker of the House of Representatives, the 218  
President of the Senate, and the chairs of the standing committees 219  
of the House of Representatives and the Senate that have primary 220  
jurisdiction over issues related to the Department. The Department 221  
is not required to enter into a contract for the provision of that 222  
nature unless money has been appropriated to the Department 223  
adequate to fund the provision of services of that nature. 224

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