

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 453**

**Representative Bacon**

**Cosponsors: Representatives Setzer, McGregor, J., Evans, Yuko, Flowers,  
Wagner, Fessler, Sears, Gardner, Collier**

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**A B I L L**

To enact sections 505.59 and 753.022 of the Revised 1  
Code regarding liability for medical care provided 2  
to persons imprisoned in a municipal corporation's 3  
institution or in the custody of a municipal 4  
corporation's law enforcement officer. 5

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

**Section 1.** That sections 505.59 and 753.022 of the Revised 6  
Code be enacted to read as follows: 7

**Sec. 505.59.** As regards medical care that a health care 8  
provider not employed by, or under contract with, a municipal 9  
corporation provides to a person who, on a township's behalf, is 10  
imprisoned in an institution under the control of a municipal 11  
corporation, both of the following apply: 12

(A) The township is not liable for medical care that is not 13  
medically necessary; 14

(B) The township's liability to pay or reimburse for medical 15  
care that is medically necessary is limited to an amount 16  
equivalent to the amount medicaid would pay for the care provided 17  
if medicaid covers the same kind of necessary medical care. 18

Medical care is medically necessary only if it is nonelective and a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery determines that it cannot be postponed until after a person is released from imprisonment without endangering the person's life or health. 19  
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Sec. 753.022. As regards medical care that a health care provider not employed by, or under contract with, a municipal corporation provides to a person who is imprisoned in an institution under the control of, or who is in the custody of a law enforcement officer of, the municipal corporation, both of the following apply: 25  
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(A) The municipal corporation is not liable for medical care that is not medically necessary; 31  
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(B) The municipal corporation's liability to pay or reimburse for medical care that is medically necessary is limited to an amount equivalent to the amount medicaid would pay for the care provided if medicaid covers the same kind of necessary medical care. 33  
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Medical care is medically necessary only if it is nonelective and a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery determines that it cannot be postponed until after a person is released from imprisonment or custody without endangering the person's life or health. 38  
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