



Sub. S.B. 223

124th General Assembly
(As Passed by the General Assembly)

Sens. Wachtmann, Hottinger, Armbruster, Nein, Mumper, Austria, Randy Gardner, Brady, Mallory, Ryan, White, Blessing, Hagan, Prentiss

Reps. Rhine, Fedor, D. Miller, Collier, Schaffer, Williams, Willamowski, Womer Benjamin, Krupinski, Boccieri, Roman, Allen, Buehrer, Hagan, Driehaus, Olman, Gilb, Fessler, Coates, Oakar, Brown, Metzger, Kearns, Webster, Perry, Mason, Koziura, Faber, Jerse, Callender, Jolivette, Latell, Distel, Wolpert, Clancy, Latta, Setzer, Key, DePiero, Seitz, DeBose, Wilson, Woodard, Aslanides, Strahorn, Hoops, Sykes, Flowers, Otterman, Schmidt, Cates, Blasdel, Beatty, Britton, Hartnett, Widowfield, Evans, Lendrum

Effective date: March 14, 2003

ACT SUMMARY

- Requires the Administrator of Workers' Compensation and public self-insuring employers, as appropriate, to pay the costs of conducting specified diagnostic services to investigate whether a peace officer, firefighter, or emergency medical worker sustained an injury or occupational disease when coming into direct contact, through specified means, with another person's body fluids, while in the performance of one's duties or when responding to an emergency.
- Permits the Administrator to issue premium refunds to employers, regardless of when the premium obligation accrued, when in the judgment of the Administrator, the State Insurance Fund surplus is larger than is necessary to adequately safeguard the solvency of the Fund.
- Expands the definition of "peace officer" for purposes of determining workers' compensation coverage for peace officers when responding to an emergency while off duty.

CONTENT AND OPERATION

Background

Under the Workers' Compensation Law (R.C. Chapters 4121., 4123., 4127., and 4131.), employees are eligible for compensation or benefits due to injuries or occupational diseases sustained on the job and, under specified conditions, for certain emergency medical workers when responding to an emergency while off duty.¹

As described in detail below, the act establishes limited coverage such that, under specified conditions, the workers' compensation system would pay for diagnostic tests for certain peace officers, firefighters, and emergency medical workers (hereafter "emergency service workers"), to determine whether they have sustained an injury or occupational disease.

Diagnostic testing after contact with body fluids covered under workers' compensation for specified emergency service workers

Under the act, the Administrator of Workers' Compensation, or a self-insuring public employer for the emergency service workers employed by or volunteering for that self-insuring public employer, must pay the costs of conducting post-exposure medical diagnostic services, consistent with the standard of medical care existing at the time of the exposure, to investigate whether an injury or occupational disease was sustained by the emergency service worker under specified conditions. The emergency service worker has to have come into contact with the blood or other body fluid of another person in the course of and arising out of the worker's employment. Additionally, the act's provisions apply when an emergency service worker has that type of contact when responding to an inherently dangerous situation in the same manner and in accordance with the conditions specified under current law for these workers when they are off duty. The workers' compensation coverage under the act applies only when the contact occurs through any of the following means:

- (1) Splash or spatter in the eye or mouth, including when received in the course of conducting mouth-to-mouth resuscitation;
- (2) A puncture in the skin;

¹ Depending upon the nature of a claim, workers' compensation benefits may include payment for lost time, wage loss, and the costs of health care and rehabilitation services, as well as death benefits in the case of a claimant's death.

(3) A cut in the skin or another opening in the skin such as an open sore, wound, lesion, abrasion, or ulcer. (Sec. 4123.026(A).)

If the diagnostic services reveal that the emergency service worker sustained an injury or occupational disease through the contact under the conditions described above, then under current law, the worker would be entitled to complete workers' compensation coverage, assuming all other conditions applicable under current law also were satisfied.

The terms below are defined as follows for purposes of the act:

(1) "Peace officer" has the same meaning as in the criminal code identifying peace officers who have arrest powers;

(2) "Firefighter" means a firefighter, whether paid or volunteer, of a lawfully constituted fire department;

(3) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under the Emergency Medical Services Law (R.C. Chapter 4765.), whether paid or volunteer.

Off-duty peace officer coverage

For purposes of providing workers' compensation coverage to off-duty peace officers when responding to an emergency, continuing law defines an off-duty peace officer to mean a member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under contract, a member of a police force employed by a metropolitan housing authority, a member of a police force employed by a regional transit authority, a state university law enforcement officer, an Ohio veterans' home police officer, a police constable of any township, a police officer of a township or joint township police district, a state highway patrol trooper, and a member of a qualified nonprofit corporation police department. The act expands this definition to include all peace officers who have arrest powers under the criminal code. (Sec. 4123.01(A)(1)(a).)

Surplus premiums

Under continuing law, the Administrator, with the advice and consent of the Workers' Compensation Oversight Commission, is required to adopt rules with respect to the collection, maintenance, and disbursements of the State Insurance Fund. Prior law required one of those rules to allow the Administrator to return premiums to employers in either the form of cash refunds or a reduction of future premiums when, in the judgment of the Administrator, the State Insurance Fund

surplus was larger than necessary to safeguard adequately the solvency of the Fund. Under the act, this rule must allow the Administrator to issue the refund regardless of when the premium obligation accrued instead of returning surplus premiums only by issuing refunds or reducing *future* premiums. (R.C. 4123.32(A).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-29-02	p. 1365
Reported, S. Insurance, Commerce, & Labor	03-12-02	p. 1561
Passed Senate (33-0)	03-12-02	p. 1563
Reported, H. Commerce & Labor	08-22-02	p. 1995
Passed House (95-0)	11-13-02	p. 2044
Concurrence	11-14-02	p. 2128

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