



Ralph D. Clark

Bill Analysis
Legislative Service Commission

H.B. 167

127th General Assembly
(As Introduced)

Reps. Dyer, R. Hagan, Ujvagi, Healy, D. Stewart, Distel, Fende, Letson, Domenick

BILL SUMMARY

- Establishes a medical treatment transfer program for Ohio members of the Armed Forces assigned to the Walter Reed Army Medical Center for treatment or rehabilitation.
- Establishes standards to determine residency of soldiers.
- Requires the Director of Job and Family Services to adopt rules governing the operation of the program.
- Requires the Director of Budget and Management to transfer funds from the General Revenue Fund to the Armed Forces Treatment Fund created in the bill and appropriates the money for the program.

CONTENT AND OPERATION

Ohio soldier medical treatment transfer program

(Section 1(A))

The bill requires the Director of the Department of Job and Family Services (ODJFS) to establish a program for the transfer and treatment of Ohio members of the *Armed Forces* (meaning, for the bill's purposes, members of the active duty and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and members of the Ohio National Guard) who are assigned to the Walter Reed Army Medical Center for the purpose of treatment or rehabilitation. The program must do both of the following: (1) offer those Ohioans the opportunity to transfer to another hospital or clinic operated by the Department of Veterans Affairs or to a suitable rehabilitation facility of the person's choice, subject to approval by the person's applicable military command structure (under the bill, a

suitable rehabilitation facility means a rehabilitation facility capable of providing treatment for and rehabilitation of the injuries of a particular patient), and (2) pay all costs incurred for the person's transfer and the costs of medical treatment or rehabilitation at the other hospital, clinic, or rehabilitation facility that are not paid by the Department of Defense or the Department of Veterans Affairs.

Ohio residency requirement

(Section 1(C))

In determining whether a member of the Armed Forces is a resident of Ohio eligible for participation in the program, the Director of ODJFS must apply the following standards:

(1) A person's residence will be considered the place in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.

(2) A person who leaves the person's home and goes into another state for temporary purposes only, and who has the intention of returning, will not be considered to have lost the person's residence.

(3) A person will not be considered to have gained a residence in Ohio if the person comes into Ohio for temporary purposes only, without the intention of making Ohio the person's permanent habitation.

(4) If a person removes to another state with the intention of making that state the person's residence, the person will be considered to have lost the person's residence in Ohio.

(5) Except as otherwise provided in (6) below, if a person removes from Ohio and continuously resides outside Ohio for a period of four years or more, the person will be considered to have lost the person's residence in Ohio, notwithstanding the fact that the person may entertain an intention to return at some future period.

(6) If a person removes from Ohio to serve in the Armed Forces, the person will not be considered to have lost the person's residence in Ohio during the period of that service.

(7) If a person goes into another state and, while there, exercises the right of a citizen by voting in an election in that state, the person will be considered to have lost the person's residence in Ohio.

Program rules

(Section 1(B))

The Director of ODJFS must adopt rules for the operation of the program that provide for all of the following:

(1) Coordination with the Department of Defense, Department of Veterans Affairs, and Walter Reed Army Medical Center to make the program available to Ohio members of the Armed Forces who are assigned to Walter Reed for treatment or rehabilitation;

(2) Payment of costs incurred for the person's facility transfer and medical expenses not otherwise paid by the Department of Defense or Department of Veterans Affairs for persons who participate in the program;

(3) Coordination with the Department of Defense, Department of Veterans Affairs, and the facilities to which persons are transferred for the continuing treatment and rehabilitation of those persons following the conclusion of the program.

Program costs; fund creation

(Section 2)

The bill requires the Director of ODJFS to estimate the costs of the program and to certify to the Director of Budget and Management the amount needed to fund the program. The Director of Budget and Management must transfer cash in the amount certified from the General Revenue Fund to the Armed Forces Treatment Fund, which is created in the state treasury. If, at any time, the Director of ODJFS estimates that the appropriation is insufficient to fund the program, he or she must certify to the Director of Budget and Management the additional amounts needed to fund the program. The Director of Budget and Management must transfer cash in the additional amount certified from the General Revenue Fund to the Armed Forces Treatment Fund. Any amounts transferred under the bill are appropriated.

Program termination

(Section 1(D))

The bill provides for the program's termination two years after the effective date of the provisions requiring establishment of the program.

Effective date; referendum

(Section 3)

The bill states that its provisions are not subject to the referendum and that they go into immediate effect on the date the bill, if enacted, becomes law.

HISTORY

ACTION	DATE
Introduced	04-19-07