



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 357 of the 128th G.A.

Date: December 2, 2009

Status: As Introduced

Sponsor: Rep. Carney

Local Impact Statement Procedure Required: No — Permissive

Contents: Regarding the Intrastate Mutual Aid Compact, the authority of certain emergency medical services personnel to dispense drugs during an emergency, the authority of the Governor to declare the existence of a health exigency

State Fiscal Highlights

STATE FUND	FY 2010	FY 2011	FUTURE YEARS
General Revenue Fund and Other State Funds			
Revenues		- 0 -	
Expenditures	Potential increase for employees on a leave of absence without pay during a health exigency		
General Revenue Fund			
Revenues		- 0 -	
Expenditures	Potential minimal increase for health exigency activities		

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- **All state agencies.** The bill would allow an appointing authority to require certain public employees to leave the workplace during a health exigency, if the employee exhibits a symptom associated with the exigency. If the authority chooses to have an employee leave work, the authority could realize an increase in costs. The increase would only be incurred if the employee who is sent home chooses to take a leave of absence without pay during the health exigency and that employee is out of the office for longer than one pay period. Currently, public employees taking a leave of absence without pay for longer than one pay period would be responsible for their share and their employer's share of any health premiums. The increase would depend on whether or not a health exigency would be declared, how often an exigency was declared, how many employees would choose a leave of absence without pay after being sent home, and how long those employees are out of the office. It is expected that a health exigency would not be declared very often. The Department of Administrative Services may have minimal costs for rule promulgation related to the mandatory leave.
- **Ohio Department of Health (ODH) and Governor's Office.** The bill permits the Governor, after consultation with the Director of Health, to declare a health exigency and issue orders necessary to activate plans to address the health exigency. The bill

requires the Director of Health, on the Governor's declaration of a health exigency to supply each state agency with a web site address where information and guidelines ODH has developed can be found. As a result, ODH could experience an increase in costs. However, the requirements in the bill are likely things that ODH would currently be involved with, so any increase would be minimal in nature.

- **All state agencies and state building and facilities.** The bill requires state agencies to post a link to ODH's web site during a health exigency. Since all state agencies currently have a web site, it would appear that this would result in a negligible cost for the agencies. In addition, the person in charge of state buildings or facilities would have to review internal policies to ensure consistency with the information and guidelines posted. This could result in increases in costs. However, it appears likely that internal policies would currently be reviewed during certain situations.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2010 – FUTURE YEARS
Local Governmental Entities	
Revenues	- 0 -
Expenditures	Potential increase for employees on a leave of absence without pay during a health exigency
County/Regional Emergency Management Agencies	
Revenues	- 0 -
Expenditures	Potential increase in expenditures if a local emergency management agency responds to a request for assistance from a participating subdivision
Courts	
Revenues	Potential loss in fine revenues related to the exemption of certain EMS personnel from the prohibition to dispense drugs, not likely to be more than negligible
Expenditures	- 0 -

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Local governmental entities.** The bill would allow an appointing authority to require certain public employees to leave the workplace during a health exigency, if the employee exhibits a symptom associated with the exigency. If the authority chooses to have an employee leave work, the authority could realize an increase in costs if the local government's employee health policy is the same as the state's policy (the state policy currently specifies that public employees taking a leave of absence without pay for longer than one pay period are responsible for their share and their employer's share of any health premiums). Any increase would depend on the local government's employee health policy, whether or not a health exigency would be declared, how often an exigency was declared, how many employees would choose a leave of absence without pay after being sent home, and possibly the length of time the employees are out of the office. It is expected that a health exigency would not be declared very often.

- **County/regional emergency management agencies.** The bill authorizes a political subdivision participating in the Intrastate Mutual Aid Compact that is impacted by a disaster or other emergency that requires additional resources to request mutual aid from any other participating subdivision. If such a participating subdivision responds in the affirmative, there would likely be additional expenditures for that subdivision to provide the requested aid, but it is difficult to adequately determine what, if any, those additional expenditures could amount to.
 - **Court costs.** The bill permits certain emergency medical services (EMS) personnel to dispense drugs during a public health emergency. With the exemptions granted by the bill, there could potentially be a decrease in fine revenues currently collected by the courts related to violations of the prohibition. Any such decrease in fine revenue would be no more than negligible given the paucity of violations occurring under current law.
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Detailed Fiscal Analysis

Intrastate Mutual Aid Compact

The bill authorizes a political subdivision participating in the Intrastate Mutual Aid Compact (IMAC) that is impacted by a disaster or other emergency that requires additional resources to request mutual aid from any other participating subdivision. Any such responding subdivision (typically a county or regional emergency management agency) cannot request reimbursement for either (1) the first eight hours of mutual aid it provides or (2) any expenses it incurs related to personnel suffering injury or death in the course of assisting the political subdivision who requested the assistance.

Fiscal effect

Under current law, a political subdivision participating in the IMAC is permitted to request assistance from another political subdivision in the event of a disaster or other emergency. This is primarily unchanged by the bill. Potentially, the most significant change in the IMAC is the provision that prohibits a responding agency from requesting reimbursement for the first eight hours of aid it provides. This provision could result in an increase in expenditures, if the participating subdivision agrees to provide aid, but it is difficult to adequately determine what, if any, those additional expenditures could amount to.

Mandatory leave for public employees during a health exigency

A "health exigency" is defined in the bill as the occurrence or imminent threat of an illness or health condition that, because of its scale, timing, or unpredictability, poses a substantial risk to the health of persons in Ohio, including an epidemic, pandemic, or incident that precipitates the issuance of an order for quarantine or isolation. The bill

permits the Governor, after consultation with the Director of Health, to declare a health exigency and issue orders necessary to activate plans to address the health exigency. During the time that the health exigency remains in effect, the bill permits an appointing authority of certain public employees to require an employee who exhibits at least one symptom included in the Governor's declaration to leave the workplace.

The bill specifies that the public employee may choose the type of leave to be used during this period (sick leave, vacation, personal leave, or compensatory time). In addition, the bill specifies that the employee may take a leave of absence without pay. Donated leave may also be used by the employee. Employees on a leave of absence without pay will continue to accrue leave, longevity, service credit, and retention points as long as the employee returns to work with the appointing authority when authorized to do so. The employee on a leave of absence without pay is responsible for paying the employee's share, and the employer is responsible for paying the employer's share, of premiums for all health insurance programs in which the employee is enrolled.

The bill allows the requirement for mandatory leave during a health exigency to prevail over collective bargaining agreements entered into before, on, or after the bill's effective date.

Fiscal effect

The Ohio Department of Health (ODH) and the Governor's Office could realize an increase in costs if a health exigency is declared. However, it appears likely that any of the activities undertaken would be activities ODH and the Governor's Office would currently be involved in during certain situations. Additionally, the Department of Administrative Services could experience a minimal increase in costs for any rule promulgation associated with the bill.

If a state appointing authority chooses to have a public employee exhibiting a symptom consistent with the health exigency leave the workplace, the authority could realize an increase in costs. The increase would only be incurred if the employee who is sent home chooses to take a leave of absence without pay during the health exigency and if the employee is out of the office for longer than one pay period. Currently, state public employees taking a leave of absence without pay for longer than one pay period would be responsible for their share and their employer's share of any health premiums. The increase would depend on whether or not a health exigency would be declared, how often an exigency was declared, how many employees would choose a leave of absence without pay after being sent home, and how long the employees are out of the office. It is expected that a health exigency would not be declared often. Local governmental authorities might also experience an increase depending on their employee health policy.

Department of Health's web site

The bill requires the Director of Health, on the Governor's declaration of a health exigency to supply each state agency with a web site address where information and guidelines ODH has developed can be found. Each state agency must post a link to the web site as soon as practicable. In addition, the bill requires the person in charge of each building or facility where state agency employees regularly work to promptly review the information and guidelines and update the building's or facility's internal policies to ensure that the policies are consistent with the information and guidelines.

Fiscal effect

As a result of the bill, ODH could experience an increase in costs. However, the requirements in the bill are likely things that ODH would currently be involved with, so any increase would be minimal in nature. The increases in costs would be for developing and posting information on ODH's web site during a health exigency and supplying each state agency with the current web address for this information. Additionally, state agencies would have to post a link to ODH's web site. Since all state agencies currently have a web site, it would appear that this would result in a negligible cost for the agencies. The person in charge of state buildings or facilities would have to review internal policies. This could result in increases in costs. However, it appears likely that internal policies would currently be reviewed during certain situations.

Dispensing drugs during a public health emergency

The bill permits certain EMS personnel to dispense drugs during a public health emergency. Thus, EMS personnel are exempted from the prohibition in current law that states only pharmacists and pharmacy interns are permitted to dispense drugs. The exemption extends to first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and paramedics.

Fiscal effect

Under current law, a violation of the prohibition mentioned in the previous paragraph is a misdemeanor of the third degree. If the offender has previously been convicted of, or pleaded guilty to, a violation of the law governing pharmacists, the violation is a misdemeanor of the second degree. The exemptions granted by the bill would likely create a decrease in fine revenues collected by the courts related to violations of the prohibition, but it is unlikely that such a decrease would be more than negligible, as there appears to be very few violations of this prohibition.