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S.B. 106*
135th General Assembly

Bill Analysis

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Version: As Reported by House Insurance

Primary Sponsor: Sen. Schaffer

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SUMMARY

- Requires, under specified conditions, the Administrator of Workers' Compensation or a self-insuring public employer to pay for services used to determine whether a health care professional staffing an air ambulance or transporting a patient from an air ambulance to a hospital sustained an injury or occupational disease after exposure to another person's blood or bodily fluids or being exposed to a drug or other chemical substance.
- Allows a workers' compensation claimant to provide a signed medical release form that is equivalent to the release form prepared by the Bureau of Workers' Compensation under continuing law.

DETAILED ANALYSIS

Post-exposure testing for certain health care professionals

The bill expands the post-exposure testing law, which covers diagnostic testing for specified safety officers under certain conditions, to include a physician, registered nurse, or other licensed health care professional who is staffing a rotorcraft or fixed wing air ambulance for a licensed air medical service organization (including transporting a patient from an incident scene or medical facility into the air ambulance) or when transporting a patient from an air ambulance to a hospital. The bill applies to claims arising on or after the bill's effective date.¹

* This analysis was prepared before the report of the House Insurance Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 4123.026, with conforming changes in R.C. 2929.14 and 2941.1414, by reference to R.C. 4766.17, not in the bill; Section 3.

Thus, the bill requires the Administrator of Workers' Compensation or a self-insuring public employer (a public employer authorized to directly pay compensation and benefits in a claim) to pay for post-exposure medical diagnostic services to investigate whether such a professional sustained an injury or occupational disease from coming into contact with the blood or other body fluid of another person in the course of and arising out of the employee's employment. Under continuing law, these post-exposure diagnostic tests are covered if they are consistent with the standards of medical care existing at the time of exposure and the employee came into contact with the blood or bodily fluid through any of the following means:

- A splash or spatter in the eye or mouth, including when received in the course of conducting mouth-to-mouth resuscitation;
- A puncture in the skin; or
- A cut or other opening in the skin such as an open sore, wound, lesion, abrasion, or ulcer.²

The post-exposure testing law also requires the Administrator or a self-insuring employer to pay the costs of conducting post-exposure medical diagnostic services to investigate whether a specified safety officer sustained an injury or occupational disease after exposure to a drug or other chemical substance in the course of employment. The bill expands this coverage to include a health care professional staffing an air ambulance or transporting a patient from an air ambulance to a hospital.³

Under continuing law, any employee who is injured or who contracts an occupational disease in the course of employment is entitled to necessary medical, nurse, and hospital services and medicines.⁴ Thus, if a health care professional staffing an air ambulance or transporting a patient from an air ambulance to a hospital suffers an injury or contracts an occupational disease in the course of employment, and diagnostic tests are a necessary part of treatment, the costs currently are covered if the claim is otherwise compensable. The bill applies only to post-exposure medical tests used to investigate whether the employee sustained an injury or occupational disease.⁵

Under continuing law, all of the following employees are also covered by the post-exposure testing requirement:

- A peace officer who has arrest powers;
- A paid or volunteer firefighter of a lawfully constituted fire department;

² R.C. 4123.026(A).

³ R.C. 4123.026(B).

⁴ R.C. 4123.54 and 4123.66, not in the bill.

⁵ See, e.g., Ohio Industrial Commission, Record of Proceedings, Claim 08-351946, 2008 WL 11408637.

- A paid or volunteer first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under the Emergency Medical Services Law;
- A detention facility employee, including a corrections officer.⁶

Medical release forms

Continuing law requires the Bureau of Workers' Compensation (BWC) to prepare a form that a workers' compensation claimant may use to authorize the release of medical information, records, and reports necessary for claim administration. Under the bill, a claimant may provide a signed equivalent form, including a standard authorization form prescribed by the Medicaid Director under continuing law. The bill also allows BWC to adopt a form as an alternative to preparing one under current law. The bill also specifies that medical information, records, and reports released in accordance with a signed form must be causally or historically related to physical, psychological, or psychiatric injuries relevant to the claim.⁷

HISTORY

Action	Date
Introduced	04-11-23
Reported, S. Insurance	09-13-23
Passed Senate (33-0)	09-13-23
Reported, H. Insurance	---

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⁶ R.C. 4123.026(C), by reference to R.C. 2935.01, not in the bill, and R.C. Chapter 4765.

⁷ R.C. 4123.651 by reference to 3798.10, not in the bill.