



Ohio Revised Code

Section 5145.163 Insurance for participants in federal prison industries enhancement certification program.

Effective: October 3, 2023

Legislation: House Bill 33

(A) As used in this section:

(1) "Customer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise only as a purchaser of goods and services.

(2) "Employer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise as an operator of the enterprise.

(3) "Injury" and "occupational disease" have the same meanings as in section 4123.01 of the Revised Code if sustained or contracted in the course of, and arising out of, participation in authorized work activity in the federal prison industries enhancement certification program.

(4) "Inmate" means any person who is committed to the custody of the department of rehabilitation and correction and who is participating in an Ohio penal industries program that is under the federal prison industries enhancement certification program.

(5) "Federal prison industries enhancement certification program" means the program authorized pursuant to 18 U.S.C. 1761.

(B) No private party shall participate in an employer model enterprise in this state unless the private party is approved by the director of rehabilitation and correction in accordance with division (C) of this section.

(C) The director may approve a private party to participate in an employer model enterprise only if the private party meets the following requirements:



- (1) The private party provides proof of workers' compensation coverage furnished by the bureau of workers' compensation.
 - (2) The private party carries liability insurance in an amount the director determines to be sufficient.
 - (3) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code.
- (D)(1) If the enterprise for which an inmate works is a customer model enterprise, the department may treat the inmate as an employee of the department for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code.
- (2) If the enterprise for which an inmate works is an employer model enterprise, the private participant may treat the inmate as an employee of the private participant for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code.
- (E) Except as provided in division (D) of this section, inmates are not employees of the department of rehabilitation and correction or the private participant in an enterprise.
- (F)(1) An inmate who is injured or who contracts an occupational disease arising out of participation in authorized work activity in the federal prison industries enhancement certification program may file a claim for compensation or benefits under Chapters 4121., 4123., 4127., and 4131. of the Revised Code while the claimant is in the custody of the department.
- (2) The dependent of an inmate who is killed or dies as the result of an occupational disease contracted in the course of participation in authorized work activity in the federal prison industries enhancement certification program may file a claim for compensation and benefits under Chapters 4121., 4123., 4127., and 4131. of the Revised Code.
- (G) Notwithstanding any provision of Chapter 4121. or 4123. of the Revised Code to the contrary, an inmate who files a claim pursuant to this section while in the custody of the department shall receive



medical treatment and have medical determinations for purposes of Chapter 4121. and 4123. of the Revised Code made by the department's medical providers. Medical determinations made by the department's providers shall be limited to initial claim allowances and requests for additional conditions. The claimant may request a review by the department's chief medical officer. In the event of an appeal, the claimant may receive a medical evaluation from a medical practitioner affiliated within the department's network of third-party medical contractors or a medical practitioner in a managed care organization certified by the bureau of workers' compensation under section 4121.44 of the Revised Code and located in Franklin county.

(H) In accordance with division (J) of section 4123.54 of the Revised Code, compensation or benefits are not payable to or on behalf of a claimant during the period of confinement of the claimant in any correctional institution or county jail. Any remaining amount of an award of compensation or benefits for an injury or occupational disease arising out of participation in authorized work activity in the federal prison industries enhancement certification program shall be paid to or on behalf of a claimant after the claimant is released from imprisonment. If a claimant is reimprisoned, compensation and benefits shall be suspended during the claimant's imprisonment but shall resume on the claimant's release from imprisonment.

(I) An inmate shall voluntarily consent to participate in a federal prison industries enhancement certification program prior to commencing participation in the program. Such consent disclaims the inmate's ability to choose a medical provider while the inmate is imprisoned and subjects the inmate to the requirements of this section.