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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 543
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Miranda

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SUMMARY

- Modifies the law governing the use of medical identifying devices, including by recognizing devices containing bar or quick response codes that may be scanned to obtain medical information in an emergency.

DETAILED ANALYSIS

Uniform Duties to Incapacitated Persons Act

In 1976, the General Assembly enacted the Uniform Duties to Disabled Persons Act, which authorizes and encourages those with certain medical conditions to wear medical identifying devices and carry identification cards.¹ The law also allows or requires law enforcement officers, paramedics, medical practitioners (defined to include only physicians), and other persons to search for these devices and cards under certain circumstances.

H.B. 543 maintains this law, renamed the Uniform Duties to Incapacitated Persons Act, but makes several revisions to it, including by (1) recognizing identifying devices that contain bar or quick response codes and (2) authorizing or requiring these devices to be scanned in certain circumstances to determine the wearer's medical information.

Identifying device and identification card

Current law defines an identifying device as an identifying bracelet, necklace, metal tag, or other similar device bearing the emergency symbol and information needed in an emergency. The bill expands this definition to include a device containing a bar code or quick

¹ R.C. 2305.41 to 2305.49.

response code that may be scanned to determine medical information needed in an emergency.²

Existing law maintained by the bill specifies that, by wearing an identifying device, a person gives his or her consent for any law enforcement officer or physician who finds the person in a disabled condition to make a reasonable search of the person's clothing or other effects for an identification card.³ It defines a card as one containing the holder's name, type of medical condition, physician's name, and other medical information.⁴ Current law does not, however, extend this consent to paramedics.

Existing law also authorizes a law enforcement officer and a person other than a law enforcement officer or physician to search for a disabled person's identifying device and if found, make a reasonable search for an identification card. It further requires a trained paramedic and physician, when examining or treating a disabled person, to search for a device and if found, make a reasonable search for an identification card.⁵

Authority to scan an identifying device

The bill specifically authorizes both of the following to scan an identifying device containing a bar or quick response code:

- A law enforcement officer when he or she finds an incapacitated person;
- A person other than an emergency medical service provider, physician, or law enforcement officer when that person finds an incapacitated person and an emergency medical service provider, physician, or law enforcement officer is not present.⁶

The bill also requires an emergency medical service provider or physician, when examining or treating an incapacitated person, to scan the person's identifying device if such a device is found.⁷

Additionally, the bill extends to emergency medical service providers the consent to search for a device or identification card and scan a device that a person gives by wearing such a device.⁸

² R.C. 2305.41(C).

³ R.C. 2305.42(C).

⁴ R.C. 2305.41(D).

⁵ R.C. 2305.43, 2305.44, and 2305.45.

⁶ R.C. 2305.43(B) and 2305.45(A).

⁷ R.C. 2305.44(A).

⁸ R.C. 2305.42(C).

Incapacitated condition and person

The law regarding the use of and search for a person's medical identifying device refers to a ***disabled condition***, defined to mean the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate, and a ***disabled person***, or a person in a disabled condition. While the bill eliminates these terms and replaces them with ***incapacitated condition*** and ***incapacitated person***, the meanings remain the same.⁹

Emergency medical service provider

The bill eliminates references to ***paramedics*** and replaces them with references to ***emergency medical service providers***. Current Ohio law recognizes three types of emergency medical service technicians (EMTs), one of which is a paramedic or emergency medical service technician-paramedic, as well as first responders. By replacing the reference, the bill's provisions apply to EMT-basics, EMT-intermediates, EMT-paramedics, and first responders.¹⁰

Physician

The bill eliminates the definition of a ***medical practitioner***, defined under existing law to mean only a medical or osteopathic physician, and instead adds a ***physician*** definition, which retains the same meaning as a medical practitioner. The bill also replaces references to a medical practitioner found throughout the Uniform Duties to Incapacitated Persons Act with references to a physician.¹¹

HISTORY

Action	Date
Introduced	03-10-20

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⁹ R.C. 2305.41(A), (B), (E), and (F).

¹⁰ R.C. 2304.44.

¹¹ R.C. 2305.41(F) and (G).