

ORDINANCE NO.: 61 -2009
INTRODUCED BY: Gambatese

**AN ORDINANCE AMENDING CHAPTER 141 OF THE CODIFIED
ORDINANCES TO ADOPT A NEW SECTION 141.28 TO PROVIDE
REGULATIONS FOR MEDICAL CARE FOR PRISONERS IN CITY
CUSTODY; AND DECLARING AN EMERGENCY.**

WHEREAS, it is the recommendation of the Chief of Police to clearly set forth in the City ordinances the City's responsibility for necessary medical care for prisoners and the rate the City will pay for such medical care;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: Chapter 141, "Division of Police", of the Codified Ordinances is hereby amended to add new Section 141.28 to read as follows:

"141.28 Medical Care for Prisoners.

- (a) As used in this section:
 - (1) "Medical Provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not employed by or under contract to or with the City and provides medical services to a person who is imprisoned in an institution and that person is under the control of, or was imprisoned at the direction of, or in the custody of, the City and/or a law enforcement officer of the City.
 - (2) "Medically Necessary Care" means medical care from a Medical Provider that is of a nonelective nature and that cannot be postponed until after the person who is imprisoned, as set forth in Paragraph (1) above, is released, without endangering the life or health of the person.
- (b) The City is not liable for medical care that is not medically necessary.
- (c) If the City is found to be liable for medically necessary care, the City's obligation to pay or reimburse for medical care that is medically necessary care is limited to an amount not

exceeding the amount Medicaid would pay for the care provided if Medicaid covered the same kind of medically necessary care."

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the City in matters necessary to set forth the proper reasons and rates for medical care to prisoners in the custody of the City at the earliest time possible; wherefore, this Ordinance shall take effect and be in force immediately upon its passage by the Council and the signature of the Mayor.

PASSED:_____

Daniel J. Ursu, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council