

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 405

Representatives Stewart, Johnson

Cosponsors: Representatives Baldrige, Boyd, Brent, Crossman, Davis, Denson, Fraizer, Galonski, Ginter, Hillyer, Lanese, Lepore-Hagan, Lightbody, Miller, A., Miller, J., Patton, Skindell, Smith, M., Sobecki, Sweeney, Sykes, Upchurch

A BILL

To amend section 339.02 of the Revised Code to 1
clarify the nature of the appointing authority 2
for boards of county hospital trustees and to 3
allow additional members on the board of a 4
charter county hospital. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 339.02 of the Revised Code be 6
amended to read as follows: 7

Sec. 339.02. (A) As used in this section, ~~"area:~~ 8

(1) "Area served by the hospital" means the geographic 9
area, whether or not included within the county, from which a 10
county hospital regularly draws patients. 11

(2) (a) Except as provided in division (A) (2) (b) of this 12
section, "appointing authority" means the board of county 13
commissioners, the probate judge of the county senior in point 14
of service, and the judge, other than the probate judge of the 15
county senior in point of service, of the court of common pleas 16

of the county senior in point of service. The appointing 17
authority shall be composed of five votes, with each of the 18
three county commissioners receiving one vote, the probate judge 19
of the county senior in point of service receiving one vote, and 20
the judge, other than the probate judge of the county senior in 21
point of service, of the court of common pleas of the county 22
senior in point of service receiving one vote. 23

(b) In the case of a charter county hospital, "appointing 24
authority" means the county executive, the probate judge of the 25
county senior in point of service, and the judge, other than the 26
probate judge of the county senior in point of service, of the 27
court of common pleas of the county senior in point of service. 28

(3) "Charter county hospital" means a county hospital 29
based in a county that has adopted a charter under Section 3 of 30
Article X, Ohio Constitution. 31

(B) Unless a board of county hospital trustees for the 32
county is in existence in accordance with this section, such 33
board shall be created pursuant to this section after the board 34
of county commissioners first determines by resolution to 35
establish a county hospital. Copies of such resolution shall be 36
certified to the probate judge of the county senior in point of 37
service and to the judge, other than ~~a~~the probate judge of the 38
county senior in point of service, of the court of common pleas 39
of the county senior in point of service. The ~~board of county~~ 40
~~commissioners together with the probate judge of the county~~ 41
~~senior in point of service and the judge of the court of common~~ 42
~~pleas of the county senior in point of service~~ appointing 43
authority shall, within ten days after such certification, 44
appoint a board of county hospital trustees. 45

(C) In making appointments to a board of county hospital 46

trustees, both of the following apply with respect to the 47
individuals who may be appointed: 48

(1) Members shall be electors and representative of the 49
area served by the hospital, except ~~that not~~ as follows: 50

(a) Not more than two members may be electors of the area 51
served by the hospital that is outside the county in which the 52
hospital is located; 53

(b) In the case of a charter county hospital, up to two 54
members are not required to satisfy division (C) (1) (a) of this 55
section; 56

(c) In the case of a charter county hospital, appointments 57
shall be subject to confirmation by the county council. 58

(2) A physician may serve as a member, including a 59
physician who is authorized to admit and treat patients at the 60
hospital, except as follows: 61

(a) Not more than two physicians may serve as members at 62
the same time; 63

(b) No physician who is employed by the hospital may serve 64
as a member. 65

~~(D) A~~ (D) (1) Except as provided in division (D) (2) of this 66
section, a board of county hospital trustees shall be composed 67
of six members, unless the board of county commissioners 68
determines ~~that~~ the board of trustees can more effectively 69
function with eight or ten members in which case there may be 70
eight or ten members, as designated by the board of county 71
commissioners. 72

(2) In the case of a charter county hospital, a board of 73
county hospital trustees shall be composed of ten members, 74

unless the appointing authority determines the board of trustees 75
can more effectively function with additional members in which 76
case there may be up to fifteen members, as designated by the 77
appointing authority. 78

(E) With respect to the initial appointment of members to 79
a board of county hospital trustees, all of the following apply: 80

(1) When the board is composed of six members, their terms 81
of office shall be one for one year, one for two years, one for 82
three years, one for four years, one for five years, and one for 83
six years from the first Monday of March thereafter. 84

(2) When the board is composed of eight members, their 85
terms of office shall be one for one year, one for two years, 86
two for three years, one for four years, one for five years, and 87
two for six years from the first Monday of March thereafter. 88

(3) When the board is composed of ten members, their terms 89
of office shall be two for one year, one for two years, two for 90
three years, two for four years, one for five years, and two for 91
six years from the first Monday of March thereafter. 92

(F) Except as provided in division (G) (2) of this section, 93
all of the following apply with respect to vacancies on a board 94
of county hospital trustees: 95

(1) Annually, on the first Monday of March, the ~~board of~~ 96
~~county commissioners together with the probate judge of the~~ 97
~~county senior in point of service and the judge of the court of~~ 98
~~common pleas of the county senior in point of service~~ appointing 99
authority shall appoint or reappoint for a term of six years a 100
sufficient number of members to replace those members whose 101
terms have expired. 102

(2) The appointing authority shall fill a vacancy not 103

later than six months after the vacancy occurs. If the vacancy 104
remains unfilled on that date, the remaining members of the 105
board, by majority vote, shall appoint an individual to fill the 106
vacancy. 107

(3) The appointing authority may fill a vacancy by seeking 108
nominations from a selection committee consisting of one county 109
commissioner designated by the board of county commissioners, 110
the chair of the board of county hospital trustees, and the 111
county hospital administrator. If nominations for filling a 112
vacancy are sought from a selection committee, the committee 113
shall nominate at least three individuals for the vacancy. The 114
appointing authority may fill the vacancy by appointing one of 115
the nominated individuals or by appointing another individual 116
selected by the appointing authority. 117

(4) Any member appointed to fill a vacancy occurring prior 118
to the expiration date of the term for which the member's 119
predecessor was appointed shall hold office as a member for the 120
remainder of that term. 121

~~(G) (1) The board of county commissioners together with the~~ 122
~~probate judge senior in point of service and the judge of the~~ 123
~~court of common pleas senior in point of service (G) (1) (a)~~ 124
Except as provided in division (G) (2) of this section, the 125
appointing authority in any county in which a board of county 126
hospital trustees has been appointed may expand the number of 127
members to eight or to ten. When the number of members is 128
increased to eight, one shall be appointed for a three-year and 129
one for a six-year term from the first Monday of March 130
thereafter. When the number of members is increased from six to 131
ten, the term for additional members shall be: one for one year, 132
one for three years, one for four years, and one for six years 133

from the first Monday of March thereafter. When the number of 134
members is increased from eight to ten, the term for additional 135
members shall be: one for one year and one for four years from 136
the first Monday of March thereafter. Thereafter, except as 137
provided in division (G) (2) of this section, upon the expiration 138
of the term of office of each member, the vacancy shall be 139
filled in the manner specified in division (F) of this section. 140

~~(2) (b) The board of county commissioners together with 141
the probate judge senior in point of service and the judge of 142
the court of common pleas senior in point of service appointing 143
authority may reduce the number of members of a board of county 144
hospital trustees to eight or to six. The reduction shall occur 145
on expiration of a member's term of office, at which time no 146
appointment shall be made. While the board of county 147
commissioners and the judges are appointing authority is in the 148
process of reducing the number of members, the board of county 149
hospital trustees may consist of nine or seven members for one 150
year. 151~~

(2) In the case of a charter county hospital, when the 152
number of members is increased from ten to up to fifteen, the 153
appointing authority shall stagger the terms of the members so 154
that the terms of the additional members of the board expire 155
each year. The initial appointments may be made for terms of 156
less than six years and need not be initially for the same 157
length of time. After initial appointments for staggered terms 158
are made, all subsequent appointments shall be for terms of 159
uniform length. 160

(H) Any member of a board of county hospital trustees may 161
be removed from office by the appointing authority for neglect 162
of duty, misconduct, or malfeasance in office. The member shall 163

be informed in writing of the charges and afforded an 164
opportunity for a hearing before the appointing authority. The 165
appointing authority shall not remove a member from office for 166
political reasons. 167

(I) The board of county commissioners may provide members 168
of a board of county hospital trustees a stipend for their 169
service or require the members to serve without compensation. 170
The members shall be allowed their necessary and reasonable 171
expenses incurred in the performance of their duties, including 172
the cost of their participation in any continuing education 173
programs or developmental programs that the members consider 174
necessary. Allowable stipends and expenses shall be paid out of 175
the funds provided for the county hospital. 176

(J) The persons selected to be members of a board of 177
county hospital trustees shall forthwith be notified, by mail, 178
of their appointment. When a board is initially appointed, the 179
notice shall state a time, not more than ten days later, when 180
such board shall meet at the county seat of such county to 181
organize. On the date stated, the board shall meet and organize. 182

(K) A board of county hospital trustees shall organize by 183
electing one of its number as chairperson and such other 184
officers as specified in the board's rules. Four members of a 185
six-member board constitute a quorum, five members constitute a 186
quorum of an eight-member board, and six members constitute a 187
quorum of a ten-member board, except, in the case of a charter 188
county hospital, a majority of the number of appointed members 189
constitutes a quorum. 190

A board of county hospital trustees shall hold meetings at 191
least quarterly, shall adopt necessary rules of procedure, and 192
shall keep a record of its proceedings and a strict account of 193

all its receipts, disbursements, and expenditures. On completion 194
of the construction and equipping of a county hospital, the 195
board shall file such account with the board of county 196
commissioners and make final settlement with the board of county 197
commissioners for the construction and equipping of the 198
hospital. 199

Members of the board of county hospital trustees may 200
attend board meetings by means of communications equipment 201
authorized under this division by rule of the board, including 202
by video conference or teleconference. Notwithstanding division 203
(C) of section 121.22 of the Revised Code, board members who 204
attend a board meeting by means of authorized communications 205
equipment shall be considered present in person at the meeting, 206
shall be permitted to vote, and shall be counted for purposes of 207
determining whether a quorum is present at the meeting. 208

The board of county hospital trustees shall maintain a 209
record of any vote or other action taken at a board meeting 210
conducted by means of authorized communications equipment. The 211
record also shall identify the members attending the board 212
meeting by means of authorized communications equipment. 213

The board of county hospital trustees shall adopt rules 214
designating the communications equipment that is authorized for 215
use during board meetings. The board also shall adopt rules that 216
establish procedures and guidelines for using authorized 217
communications equipment during board meetings and that ensure 218
verification of the identity of any board members attending 219
board meetings by such means. 220

Section 2. That existing section 339.02 of the Revised 221
Code is hereby repealed. 222