



**State Representative Brian Stewart**

**78<sup>th</sup> Ohio House District**

**State Representative Mark Johnson**

**92<sup>nd</sup> Ohio House District**

Sponsor Testimony on House Bill 405

December 7<sup>th</sup>, 2021

Chairman Wiggam, Vice-Chair John, Ranking Member Kelly, thank-you for the opportunity to provide sponsor testimony in favor of House Bill 405, which clarifies the nature of the appointing authority to the boards of trustees for local county hospitals.

Under current law, hospital trustees are appointed by an “appointing authority” comprised of the Board of Commissioners, the senior Common Pleas Court Judge, and the Probate Judge. While this may sound straightforward, unfortunately, it has been anything but in recent years. A lawsuit originating in Morrow County went to the Ohio Supreme Court, litigating whether the 3 elected county commissioners each had their own vote, or whether the board possessed a single, collective vote. No sooner did the Ohio Supreme Court unanimously confirm that the Board of County Commissioners constitutes 3 votes on an appointing authority, than additional controversy arose over whether the senior Common Pleas Court Judge, who also happens to be the Probate Judge, has a single vote, or whether that one individual could somehow constitute 2 votes. “One person, one vote” has been settled law in the rest of America for a great many years, and thankfully, House Bill 405 would confirm that it remains the law of the land even with regard to Ohio’s county-owned hospitals. The bill clarifies explicitly that the appointing authority is comprised of 3 county commissioners each having 1 vote, the senior Common Pleas Judge having 1 vote, and the Probate Judge, if they are separate people, having 1 vote. For that reason, the bill has the strong support of the Ohio County Commissioners Association (CCAO).

House Bill 405 has also been amended today to include important provisions relating to county hospitals in counties that have adopted a charter form of government. The current statutes regarding county hospital appointing authorities are silent regarding how they apply in charter counties. Today, while there is only one county hospital located in a charter county, it is critically important one. MetroHealth System in Cuyahoga County serves 300,000 patients across 4 hospitals, 4 emergency departments, 20 health centers, and 40 other sites across Cuyahoga County.

House Bill 405 would codify the process for making appointments to a hospital board in a charter community by incorporating the involvement of the Cuyahoga County Executive and the Cuyahoga County Council, among other technical fixes. This amendment was developed in consultation with MetroHealth System with feedback from numerous leaders in Cuyahoga County, and we appreciate their collaboration in this process.

House Bill 405 will reduce conflicts in the administration of county hospitals so that they can continue their important work in the hospital, rather than in a courtroom. We respectfully ask that you vote yes on this bill, and we are available to answer any questions you may have.