

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 405

Representatives Stewart, Johnson

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. 3

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

Section 1. That section 339.02 of the Revised Code be 4
amended to read as follows: 5

Sec. 339.02. (A) As used in this section, ~~"area:~~ 6

(1) "Area served by the hospital" means the geographic 7
area, whether or not included within the county, from which a 8
county hospital regularly draws patients. 9

(2) "Appointing authority" means the board of county 10
commissioners, the probate judge of the county senior in point 11
of service, and the judge, other than the probate judge of the 12
county senior in point of service, of the court of common pleas 13
of the county senior in point of service. 14

(B) Unless a board of county hospital trustees for the 15
county is in existence in accordance with this section, such 16
board shall be created pursuant to this section after the board 17
of county commissioners first determines by resolution to 18

establish a county hospital. Copies of such resolution shall be 19
certified to the probate judge of the county senior in point of 20
service and to the judge, other than a probate judge, of the 21
court of common pleas of the county senior in point of service. 22
~~The board of county commissioners together with the probate~~ 23
~~judge of the county senior in point of service and the judge of~~ 24
~~the court of common pleas of the county senior in point of~~ 25
~~service~~ appointing authority shall, within ten days after such 26
certification, appoint a board of county hospital trustees. 27

(C) In making appointments to a board of county hospital 28
trustees, both of the following apply with respect to the 29
individuals who may be appointed: 30

(1) Members shall be electors and representative of the 31
area served by the hospital, except that not more than two 32
members may be electors of the area served by the hospital that 33
is outside the county in which the hospital is located. 34

(2) A physician may serve as a member, including a 35
physician who is authorized to admit and treat patients at the 36
hospital, except as follows: 37

(a) Not more than two physicians may serve as members at 38
the same time; 39

(b) No physician who is employed by the hospital may serve 40
as a member. 41

(D) A board of county hospital trustees shall be composed 42
of six members, unless the board of county commissioners 43
determines that the board of trustees can more effectively 44
function with eight or ten members in which case there may be 45
eight or ten members, as designated by the board of county 46
commissioners. 47

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

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

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

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

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

(1) Annually, on the first Monday of March, the ~~board of county commissioners together with the probate judge of the county senior in point of service and the judge of the court of common pleas of the county senior in point of service~~ appointing authority shall appoint or reappoint for a term of six years a sufficient number of members to replace those members whose terms have expired. The appointing authority shall be composed of five votes, with each of the three county commissioners receiving one vote, the probate judge of the county senior in point of service receiving one vote, and the judge, other than the probate judge of the county senior in point of service, of the court of common pleas of the county senior in point of

service receiving one vote. 77

(2) The appointing authority shall fill a vacancy not 78
later than six months after the vacancy occurs. If the vacancy 79
remains unfilled on that date, the remaining members of the 80
board, by majority vote, shall appoint an individual to fill the 81
vacancy. 82

(3) The appointing authority may fill a vacancy by seeking 83
nominations from a selection committee consisting of one county 84
commissioner designated by the board of county commissioners, 85
the chair of the board of county hospital trustees, and the 86
county hospital administrator. If nominations for filling a 87
vacancy are sought from a selection committee, the committee 88
shall nominate at least three individuals for the vacancy. The 89
appointing authority may fill the vacancy by appointing one of 90
the nominated individuals or by appointing another individual 91
selected by the appointing authority. 92

(4) Any member appointed to fill a vacancy occurring prior 93
to the expiration date of the term for which the member's 94
predecessor was appointed shall hold office as a member for the 95
remainder of that term. 96

(G) (1) ~~The board of county commissioners together with the~~ 97
~~probate judge senior in point of service and the judge of the~~ 98
~~court of common pleas senior in point of service~~ appointing 99
authority in any county in which a board of county hospital 100
trustees has been appointed may expand the number of members to 101
eight or to ten. When the number of members is increased to 102
eight, one shall be appointed for a three-year and one for a 103
six-year term from the first Monday of March thereafter. When 104
the number of members is increased from six to ten, the term for 105
additional members shall be: one for one year, one for three 106

years, one for four years, and one for six years from the first 107
Monday of March thereafter. When the number of members is 108
increased from eight to ten, the term for additional members 109
shall be: one for one year and one for four years from the first 110
Monday of March thereafter. Thereafter, except as provided in 111
division (G) (2) of this section, upon the expiration of the term 112
of office of each member, the vacancy shall be filled in the 113
manner specified in division (F) of this section. 114

(2) ~~The board of county commissioners together with the~~ 115
~~probate judge senior in point of service and the judge of the~~ 116
~~court of common pleas senior in point of service~~ appointing 117
authority may reduce the number of members of a board of county 118
hospital trustees to eight or to six. The reduction shall occur 119
on expiration of a member's term of office, at which time no 120
appointment shall be made. While the ~~board of county~~ 121
~~commissioners and the judges are~~ appointing authority is in the 122
process of reducing the number of members, the board of county 123
hospital trustees may consist of nine or seven members for one 124
year. 125

(H) Any member of a board of county hospital trustees may 126
be removed from office by the appointing authority for neglect 127
of duty, misconduct, or malfeasance in office. The member shall 128
be informed in writing of the charges and afforded an 129
opportunity for a hearing before the appointing authority. The 130
appointing authority shall not remove a member from office for 131
political reasons. 132

(I) The board of county commissioners may provide members 133
of a board of county hospital trustees a stipend for their 134
service or require the members to serve without compensation. 135
The members shall be allowed their necessary and reasonable 136

expenses incurred in the performance of their duties, including 137
the cost of their participation in any continuing education 138
programs or developmental programs that the members consider 139
necessary. Allowable stipends and expenses shall be paid out of 140
the funds provided for the county hospital. 141

(J) The persons selected to be members of a board of 142
county hospital trustees shall forthwith be notified, by mail, 143
of their appointment. When a board is initially appointed, the 144
notice shall state a time, not more than ten days later, when 145
such board shall meet at the county seat of such county to 146
organize. On the date stated, the board shall meet and organize. 147

(K) A board of county hospital trustees shall organize by 148
electing one of its number as chairperson and such other 149
officers as specified in the board's rules. Four members of a 150
six-member board constitute a quorum, five members constitute a 151
quorum of an eight-member board, and six members constitute a 152
quorum of a ten-member board. 153

A board of county hospital trustees shall hold meetings at 154
least quarterly, shall adopt necessary rules of procedure, and 155
shall keep a record of its proceedings and a strict account of 156
all its receipts, disbursements, and expenditures. On completion 157
of the construction and equipping of a county hospital, the 158
board shall file such account with the board of county 159
commissioners and make final settlement with the board of county 160
commissioners for the construction and equipping of the 161
hospital. 162

Members of the board of county hospital trustees may 163
attend board meetings by means of communications equipment 164
authorized under this division by rule of the board, including 165
by video conference or teleconference. Notwithstanding division 166

(C) of section 121.22 of the Revised Code, board members who 167
attend a board meeting by means of authorized communications 168
equipment shall be considered present in person at the meeting, 169
shall be permitted to vote, and shall be counted for purposes of 170
determining whether a quorum is present at the meeting. 171

The board of county hospital trustees shall maintain a 172
record of any vote or other action taken at a board meeting 173
conducted by means of authorized communications equipment. The 174
record also shall identify the members attending the board 175
meeting by means of authorized communications equipment. 176

The board of county hospital trustees shall adopt rules 177
designating the communications equipment that is authorized for 178
use during board meetings. The board also shall adopt rules that 179
establish procedures and guidelines for using authorized 180
communications equipment during board meetings and that ensure 181
verification of the identity of any board members attending 182
board meetings by such means. 183

Section 2. That existing section 339.02 of the Revised 184
Code is hereby repealed. 185