

AN ACT

To amend sections 140.01, 339.06, 5155.01, 5155.02, 5155.03, 5155.04, 5155.14, 5155.16, 5155.19, 5155.27, and 5155.31, to enact new section 140.051 and sections 5155.011 and 5155.012, and to repeal sections 140.051, 5155.05, 5155.06, 5155.07, 5155.28, and 5155.30 of the Revised Code to expand the definition of costs of hospital facilities, to confirm and validate amendments made to section 140.01 and the enactment of section 140.051 of the Revised Code by Am. Sub. S.B. 109 of the 113th General Assembly in order to eliminate any legal challenges that have been or may be raised concerning the constitutionality of these amendments, to modify the conditions under which a board of county hospital trustees may obtain a secured line of credit, to permit transfer of operational authority of a county home to a board of county hospital trustees, and to authorize a board of county commissioners to contract with third parties to manage a county home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 140.01, 339.06, 5155.01, 5155.02, 5155.03, 5155.04, 5155.14, 5155.16, 5155.19, 5155.27, and 5155.31 be amended and new section 140.051 and sections 5155.011 and 5155.012 of the Revised Code be enacted to read as follows:

Sec. 140.01. As used in ~~this chapter~~ this chapter:

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency.

(B) "Public hospital agency" means any county, board of county hospital trustees established pursuant to section 339.02 of the Revised Code,

county hospital commission established pursuant to section 339.14 of the Revised Code, municipal corporation, new community authority organized under Chapter 349. of the Revised Code, joint township hospital district, state or municipal university or college operating or authorized to operate a hospital facility, ~~or the state, or the state.~~

(C) "Nonprofit hospital agency" means a corporation or association not for profit, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, that has authority to own or operate a hospital facility or provides or is to provide services to one or more other hospital agencies.

(D) "Governing body" means, in the case of a county, the board of county commissioners or other legislative body; in the case of a board of county hospital trustees, the board; in the case of a county hospital commission, the commission; in the case of a municipal corporation, the council or other legislative authority; in the case of a new community authority, its board of trustees; in the case of a joint township hospital district, the joint township district hospital board; in the case of a state or municipal university or college, its board of trustees or board of directors; in the case of a nonprofit hospital agency, the board of trustees or other body having general management of the agency; ~~and, in the case of the state, the director of development or the Ohio higher educational facility commission;~~ and, in the case of the state, the director of development or the Ohio higher educational facility commission.

(E) "Hospital facilities" means buildings, structures and other improvements, additions thereto and extensions thereof, furnishings, equipment, and real estate and interests in real estate, used or to be used for or in connection with ~~one or more~~ one or more hospitals, emergency, intensive, intermediate, extended, long-term, or self-care facilities, diagnostic and treatment and out-patient facilities, facilities related to programs for home health services, clinics, laboratories, public health centers, research facilities, and rehabilitation facilities, for or pertaining to diagnosis, treatment, care, or rehabilitation of sick, ill, injured, infirm, impaired, disabled, or handicapped persons, or the prevention, detection, and control of disease, and also includes education, training, and food service facilities for health professions personnel, housing facilities for such personnel and their families, and parking and service facilities in connection with any of the foregoing; and includes any one, part of, or any combination of the foregoing; and further includes site improvements, utilities, machinery, facilities, furnishings, and any separate or connected buildings, structures, improvements, sites, utilities, facilities, or equipment to be used

in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, any one or more of such hospital facilities.

(F) "Costs of hospital facilities" means the costs of acquiring ~~or constructing~~ hospital facilities; or interests in hospital facilities, including membership interests in nonprofit hospital agencies, costs of constructing hospital facilities, costs of improving ~~one or more~~ one or more hospital facilities, including reconstructing, rehabilitating, remodeling, renovating, and enlarging, costs of equipping and furnishing such facilities, and all financing costs pertaining thereto, including, without limitation thereto, costs of engineering, architectural, and other professional services, designs, plans, specifications and surveys, and estimates of cost, costs of tests and inspections, the costs of any indemnity or surety bonds and premiums on insurance, all related direct or allocable administrative expenses pertaining thereto, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisors, attorneys, accountants, consultants and rating services in connection therewith, capitalized interest on the obligations, amounts necessary to establish reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by the hospital agency or others or borrowed from others for the payment of any item or items of costs of such facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to such facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of such facilities, the financing thereof, and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses, ~~and means the costs of refinancing obligations issued by, or reimbursement of money advanced by, nonprofit hospital agencies or others the proceeds of which were used for the payment of costs of hospital facilities, if the governing body of the public hospital agency determines that the refinancing or reimbursement advances the purposes of this chapter, whether or not the refinancing or reimbursement is in conjunction with the acquisition or construction of additional hospital facilities, and means the~~ costs of refinancing obligations issued by, or reimbursement of money advanced by, nonprofit hospital agencies or others the proceeds of which were used for the payment of costs of hospital facilities, if the governing body of the public hospital agency determines that the refinancing or reimbursement advances the purposes of this chapter, whether or not the

refinancing or reimbursement is in conjunction with the acquisition or construction of additional hospital facilities.

(G) "Hospital receipts" means all moneys received by or on behalf of a hospital agency from or in connection with the ownership, operation, acquisition, construction, improvement, equipping, or financing of any hospital facilities, including, without limitation thereto, any rentals and other moneys received from the lease, sale, or other disposition of hospital facilities, and any gifts, grants, interest subsidies, or other moneys received under any federal program for assistance in financing the costs of hospital facilities, and any other gifts, grants, and donations, and receipts therefrom, available for financing the costs of hospital facilities.

(H) "Obligations" means bonds, notes, or other evidences of indebtedness or obligation, including interest coupons pertaining thereto, issued or issuable by a public hospital agency to pay costs of hospital facilities.

(I) "Bond service charges" means principal, interest, and call premium, if any, required to be paid on obligations.

(J) "Bond proceedings" means one or more ordinances, resolutions, trust agreements, indentures, and other agreements or documents, and amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms, ~~including any variable interest rates,~~ including any variable interest rates, and conditions applicable to, or providing for the security of, obligations and the provisions contained in such obligations.

(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.

(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.

(M) "Adult care facility" has the same meaning as in division (A)(3) of section 5701.13 of the Revised Code.

(N) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:

- (1) A hospital required to be certified by section 3727.02 of the Revised Code;
- (2) A nursing home or residential care facility;
- (3) An adult care facility;
- (4) A hospice licensed under section 3712.04 of the Revised Code;
- (5) A habilitation center as defined in section 5123.041 of the Revised

Code;

(6) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;

(7) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;

(8) A facility certified as an alcohol and drug addiction program under section 3793.06 of the Revised Code;

(9) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;

(10) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

Sec. 140.051. If the costs of the hospital facilities are to be paid with funds derived from revenue obligations issued pursuant to section 140.06 of the Revised Code and with other funds derived from the nonprofit hospital agency, a public hospital agency, pursuant to negotiation and in the manner determined in its sole discretion by the governing body of the public hospital agency, may enter into a contract for the acquisition, construction, improvement, equipment, or furnishing of a hospital facility that is to be leased pursuant to section 140.05 of the Revised Code by a public hospital agency to a nonprofit hospital agency. Any requirement of competitive bidding, other restriction, or other procedures that are imposed on a public hospital agency with respect to contracts is not applicable to any contract entered into pursuant to this section.

A hospital facility is not exempt from applicable zoning, planning, and building regulations by reason of being financed from the proceeds of obligations issued pursuant to this chapter.

Sec. 339.06. (A) The board of county hospital trustees, upon completion of construction or leasing and equipping of a county hospital, shall assume and continue the operation of the hospital. The board shall have the entire management and control of the hospital, and shall establish such rules for its government and the admission of persons as are expedient.

The board has control of the property of the hospital, including management and disposal of surplus property other than real estate or an interest in real estate, and has control of all funds used in the hospital's operation, including moneys received from the operation of the hospital, moneys appropriated for its operation by the board of county commissioners, and moneys resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the

Revised Code. All or part of the moneys determined not to be necessary to meet current demands on the hospital may be invested by the board of hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code.

(B) Annually by the first day of November, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for approval, and the board of county commissioners shall approve a budget for the county hospital by the first day of December. If the taxes collected pursuant to any tax levied under section 5705.22 of the Revised Code or the amount appropriated to the county hospital by the commissioners in the annual appropriation measure for the county for the ensuing fiscal year differ from the amount shown in the approved budget, the board of county commissioners may require the board of county hospital trustees to revise the hospital budget accordingly. The board of trustees shall not expend such funds until its budget for that calendar year is submitted to and approved by the board of county commissioners. Thereafter such funds may be disbursed by the board of county hospital trustees, consistent with the approved budget, for the uses and purposes of such hospital; for the replacement of necessary equipment; for the acquisition, leasing, or construction of permanent improvements to county hospital property; or for making a donation authorized by division (C) of this section. Each disbursement of funds shall be made on a voucher signed by signatories designated and approved by the board of county hospital trustees.

The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and expenditures for the ensuing fiscal year under section 5705.28 of the Revised Code unless the board of county commissioners levies a tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners. The board of hospital trustees shall file an annual report of revenues and expenditures for the fiscal year with the board of

county commissioners within ninety days after the fiscal year's end.

(C) For the public purpose of improving the health, safety, and general welfare of the community, the board of hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(D)(1) For purposes of this division:

(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.

(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.

(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.

(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:

~~(a) The term of the contract does not exceed one hundred eighty days.~~

~~(b) The board's secured line of credit does not exceed five hundred thousand dollars.~~

~~(c) The contract provides that any amount extended must be repaid in full before any additional credit can be extended.~~

(d) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods if, on the date of automatic renewal, the aggregate outstanding draws remaining unpaid under the secured line of credit do not exceed fifty per cent of the maximum amount that can be drawn under the secured line of credit.

(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board of county commissioners, any member of the board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of county hospital trustees.

~~(c)~~(c) The contract provides that no assets other than those of the hospital can be used to secure the line of credit.

~~(d)~~(d) The terms and conditions of the contract comply with all state and

federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of county hospital trustees under this division is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code.

(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both.

(5) No board of county hospital trustees shall at any time have more than one secured line of credit under this section.

(E) The board shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in such hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes.

(F) The board may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds.

(G) The board of county hospital trustees may authorize a county hospital and each of its units, hospital board members, designated hospital employees, and medical staff members to be a member of and maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or advancement of the efficiency of hospital administration and in connection therewith to use tax funds for the payment of dues and fees and related expenses but nothing in this section prohibits the board from using receipts from hospital operation, other than tax funds, for the payment of such dues and fees.

(H) The following apply to the board of county hospital trustees, its employees, and the employees of the county hospital:

(1) The board shall adopt the wage and salary schedule for employees.

(2) The board may employ the hospital's administrator pursuant to section 339.07 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section.

(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the county hospital, and pay the hospital's expenses. Such employees may be paid from funds provided for the county hospital.

(4) The board may hire, by contract or as salaried employees, such management consultants, accountants, attorneys, engineers, architects, construction managers, and other professional advisors as it determines are necessary and desirable to assist in the management of the programs and operation of the county hospital. Such professional advisors may be paid from county hospital operating funds.

(5) Notwithstanding section 325.19 of the Revised Code, the board of county hospital trustees may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to:

(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year;

(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;

(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;

(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;

(e) Moving expenses for new employees;

(f) Discounts on hospital supplies and services.

(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.

(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.

(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.

(9) The board of county hospital trustees may provide employee recognition awards and hold employee recognition dinners.

(10) The board may grant to employees the recruitment and retention benefits specified under division (I) of this section.

(I) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.

The board of county hospital trustees may pay reasonable expenses for

recruiting or retaining physicians and other appropriate health care practitioners.

Sec. 5155.01. The board of county commissioners shall make all contracts for new buildings and for additions to existing buildings necessary for the county home, and shall prescribe rules for the management and good government of ~~such~~ the home ~~and to promote sobriety, morality, and industry among residents. The superintendent or administrator of the county home shall be responsible for maintaining buildings in good repair.~~

~~In all cases in which both the husband and wife have been admitted to such county home such couple, unless otherwise requested by either of them, shall not be separated, and shall be given quarters in the same part of such facility.~~

The superintendent or administrator may employ an administrative assistant and ~~such~~ additional necessary personnel, at rates of wages to be fixed by the board of county commissioners, as may not be found available on the part of the residents of the facility. The superintendent or administrator and administrative assistant shall be removed if either of them requires or permits residents or employees to render services for the private interests of the superintendent or administrator, the administrative assistant, ~~or any member of the board of county commissioners, or any private interest, or any member of the board of county hospital trustees if that board has entered into an agreement or otherwise has operational control as provided in section 5155.011 of the Revised Code.~~

Sec. 5155.011. (A) As used in this chapter, "operator" means a board of county hospital trustees acting under an agreement, or pursuant to a resolution adopted by the board of county commissioners, as provided in this section.

(B) The board of county commissioners may transfer operational control of the county home to the board of county hospital trustees of a county hospital located in the county by either of the following means:

(1) By adopting a resolution to transfer all operational control of the home to the board of county hospital trustees of that county hospital. The board of county hospital trustees also must adopt a resolution to accept the transfer of operational control. In transferring operational control, the board of county commissioners cannot and does not transfer ownership of any real or personal property of the county to the board of county hospital trustees.

(2) By entering into an agreement with the board of county hospital trustees of that county hospital to authorize the board of county hospital trustees to manage and operate the home on behalf of the board of county commissioners. Except as otherwise provided in the agreement, the operator

shall carry out the duties of an operator authorized in this chapter in the same manner as otherwise would be required of the board of county commissioners. The agreement may specify duties set forth in this chapter that will be retained by the board of county commissioners instead of being carried out by the operator on behalf of the board. The board of county commissioners shall retain ownership of the county home under the agreement.

Sec. 5155.012. A board of county commissioners may enter into a contract to aid it in the execution of its powers and duties for the management and good government of the county home.

Sec. 5155.02. The clerk of the board of county commissioners; or, if there is no clerk of the board, the county auditor; shall keep a record of the board's transactions respecting the county home, and this record shall be kept in the manner provided by sections 305.10 and 305.11 of the Revised Code. The board of county commissioners may determine that the clerk; or, if there is no clerk of the board, the county auditor; shall keep a separate record of the board's transactions respecting the county home. If a separate record is kept, it shall be kept in the manner provided by sections 305.10 and 305.11 of the Revised Code. Either record shall at all reasonable times be open to public inspection.

The operator shall keep a record of its transactions regarding the county home in the manner provided in sections 305.10 and 305.11 of the Revised Code. The record shall be open to public inspection at all reasonable times.

Sec. 5155.03. The board of county commissioners or operator shall appoint a superintendent, ~~whom they~~ who may ~~authorize~~ be authorized to use the title; "administrator," who may reside on the premises of the county home or other building contiguous ~~thereto~~ to the county home, and who shall receive ~~such the~~ the compensation ~~for his services as~~ as the board or operator determines. The superintendent or administrator and administrative assistant shall each be allowed ~~his~~ his actual necessary expenses incurred in the discharge of ~~his~~ his official duties. The superintendent or administrator shall perform ~~such the~~ the duties ~~as that~~ as the board or operator imposes ~~upon him~~, and shall be governed in all respects by ~~its~~ the board's or operator's rules. ~~He shall not be removed by the board except for good and sufficient cause.~~

The board or operator may, by resolution, provide for the appointment by the superintendent or administrator of an assistant superintendent or administrator, who shall perform ~~such the~~ the duties at the county home ~~as~~ as prescribed by ~~such the~~ the superintendent or administrator. The board or operator shall not appoint one of its own board members superintendent or administrator, nor shall any commissioner or trustee be eligible to any other

office in the county home, or receive any compensation as physician or otherwise, directly or indirectly, wherein the appointing power is vested in ~~such board~~ the board of county commissioners or board of county hospital trustees, as applicable.

Sec. 5155.04. Before entering upon ~~his~~ official duties, the superintendent or administrator of the county home shall give bond ~~to the state in a sum not to exceed twenty thousand and not less than two thousand dollars;~~ as the board of county commissioners or operator requires, with ~~two or more sureties~~ a surety acceptable to the board or operator, conditioned for the faithful discharge of the duties of ~~his~~ that office. ~~Such~~ The bond, with the approval of the board or operator and the oath of office of ~~such~~ the superintendent or administrator, required by sections 3.22 and 3.23 of the Revised Code and by Section 7 of Article XV, Ohio Constitution, ~~indorsed thereon~~ endorsed on it, shall be deposited with the county treasurer and kept in ~~his~~ the treasurer's office.

Sec. 5155.14. At the request of the superintendent or administrator of the county home, the board of county commissioners or operator shall set apart from the county home fund, a reserve fund not to exceed four hundred dollars at any time, which, upon the order of the board or operator shall be paid to the superintendent or administrator and expended ~~by him~~ as needed for emergency supplies and expenses. The superintendent or administrator shall keep an accurate account of ~~such funds~~ the reserve fund, in a book to be provided at the expense of the county for that purpose, and all expenditures ~~therefrom~~ from it shall be audited by the board or operator. The county home fund shall be reimbursed by the superintendent or administrator, in full, for any items expended by ~~him~~ the superintendent or administrator from ~~such~~ the reserve fund, which items are not allowed by the board or operator. When, and as often as such amount is entirely disbursed, on the order of the board or operator, the county auditor shall pay to the superintendent or administrator the amount so appropriated.

Sec. 5155.16. ~~Annually, the~~ The superintendent or administrator or, if operational control has been transferred to an operator under section 5155.011 of the Revised Code, the operator of the county home shall submit to the board of county commissioners a an annual report ~~giving all statistical information for the year preceding the first day of the month shown by the record of residents of the home required by section 5155.07 of the Revised Code.~~ The

The report shall show all of the following:

(A) The number of residents at the beginning of ~~such~~ the year, the number admitted during the year, the number born in the home, and the total

number of resident days for the year;

(B) The number of residents discharged, the number of deaths, the number removed to other counties, states, and institutions during the year, and the number of residents remaining;

(C) The daily average census;

(D) The total current expenses for the year, ~~exclusive of farm products;~~

(E) ~~The total value of farm products for the year;~~

(F) ~~The total amount paid in the county for outdoor relief during the year;~~

~~(G)~~ The amount of salaries paid during the year to the superintendent or administrator and the administrative assistant, and the amount of wages paid other employees;

(F) Any other information the board or operator requires.

~~The report shall contain such other information as the board requires and an account of all moneys received by the superintendent or administrator for the sale of farm products, or from any other sources, and paid into the county treasury by him to the credit of the county home fund, such account to be properly itemized, showing dates of receipts, from whom and for what purpose, and dates of payment of such receipts into the county treasury. Such report shall be examined by the board, and if found correct, shall be accepted, and such acceptance entered in the minutes of the proceedings of the board. Such report shall then be filed in the office of the county auditor, and shall be safely preserved by him.~~

Sec. 5155.19. Each month, The board of county commissioners or the operator may require the superintendent or administrator of the county home shall to submit to the board of county commissioners and, if applicable, to the operator a monthly report which shall show. The monthly report may contain any or all of the following:

(A) The number of residents at the beginning of each month;

(B) The number of residents admitted during the month;

(C) The number of residents discharged during the month;

(D) The number of deaths during the month;

(E) The total current expenses, ~~exclusive of farm products;~~

(F) ~~The total value of farm products;~~

~~(G)~~ Any other information the board of county commissioners or operator requires.

Sec. 5155.27. The board of county commissioners or operator may contract with one or more competent physicians to furnish medical relief and medicines necessary for the residents of the county home, but no contract shall extend beyond one year. Medical statistics shall be kept by the

facility. ~~Such~~ Those statistics shall show the nature and extent of the services rendered, to whom they were rendered, and the character of the diseases treated. The board or operator may discharge any such physician for proper cause. No medical relief shall be furnished by the county to persons in their own homes, except for persons who are not residents of the state or county for one year, or of a township or city for three months, and except under section 5155.22 of the Revised Code.

Sec. 5155.31. (A) As used in this section, "county nursing home" means a facility that is owned and operated by the county or, if the board of county commissioners has transferred operational authority of the county home to a board of county hospital trustees, is operated by the board of county hospital trustees and that is used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal assistance, as "mental impairment," "skilled nursing care," and "personal assistance" are defined in section 3721.01 of the Revised Code.

(B) Whenever the buildings of a county home or a county nursing home have become unsuitable for habitation, or whenever the population of ~~such~~ a county home or a county nursing home is too small for economical and efficient operation, or for any other reason made of record, the board of county commissioners may close ~~such~~ the home or sell it to a third party, and provide for the care of ~~the its~~ its residents ~~thereof~~, and of other persons afterwards determined eligible for county care; by housing them in another county home, ~~or~~ a home licensed under Chapter 3721. of the Revised Code, or ~~in such~~ private homes within the county as that the board considers proper, and upon such terms as may be agreed upon by the boards of the respective counties.

(C) Whenever the board of county commissioners closes a county home or a county nursing home pursuant to division (B) of this section, the board may lease the county home to an individual, partnership, firm, association, or corporation for the establishment of a home licensed under Chapter 3721. of the Revised Code. Any lease granted under this division and any renewals ~~thereof of it~~ shall not be for a longer period than five years. The form of any ~~such~~ lease shall be approved by the prosecuting attorney.

~~(D) Whenever the board of county commissioners determines that a county home or a county nursing home is unsuitable for habitation or its operation is economically unfeasible, the board may sell or lease the home together with all of its contents of personal property used in connection with and incidental to its operation, as a single unit, to an individual, partnership, firm, association, or corporation for the establishment of a home licensed~~

~~under Chapter 3721. of the Revised Code. Any lease granted under this division and renewals thereof shall not be for a period longer than five years. The form of any such lease shall be approved by the prosecuting attorney. No sale or lease shall be made under this division unless it is authorized by a resolution passed by a majority of the members of the board of county commissioners. No sale shall be made under this division until the board receives an appraisal of the value of the real and personal property to be sold, as determined by one or more competent appraisers. When a sale or lease is authorized, a deed or lease shall be made by the board to the highest responsible bidder after the advertisement, once a week for four consecutive weeks, in a newspaper of general circulation within the county. The board may reject any bids and readvertise until such time as the home and its contents used in connection with and incidental to its operation are sold or leased.~~

~~This division applies only to a sale or lease executed prior to December 31, 1983.~~

SECTION 2. That existing sections 140.01, 339.06, 5155.01, 5155.02, 5155.03, 5155.04, 5155.14, 5155.16, 5155.19, 5155.27, and 5155.31 and sections 140.051, 5155.05, 5155.06, 5155.07, 5155.28, and 5155.30 of the Revised Code are hereby repealed.

SECTION 3. (A) Except as provided in division (B) of this section, the amendments to divisions (B), (D), (E), (F), and (J) of section 140.01 of the Revised Code and the repeal and reenactment of section 140.051 of the Revised Code by this act are intended to confirm and validate the amendments to those divisions of section 140.01 of the Revised Code and the enactment of section 140.051 of the Revised Code by Am. Sub. S. B. 109 of the 113th General Assembly. This confirmation and validation is advisable to eliminate any legal challenge that has been or may be raised concerning the constitutionality of those amendments and that enactment by Am. Sub. S.B. 109 of the 113th General Assembly on the grounds that they may have violated the following requirements contained in Section 15 of Article II, Ohio Constitution:

(1) That no bill shall contain more than one subject, which shall be clearly expressed in its title;

(2) That every bill shall be considered by each house on three different days, unless two-thirds of the members elected to the house in which it is pending suspend the requirement.

(B) The amendments to division (D) of section 140.01 of the Revised Code by this act, insofar as they re-enact the phrase "director of development," are intended to ratify the amendments made to that division by Am. Sub. S.B. 227 of the 115th General Assembly enacted subsequent to the amendments enacted in that division by Am. Sub. S.B. 109 of the 113th General Assembly.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____