

**As Passed by the Senate**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. H. B. No. 239**

**Representatives Core, Seitz, McGregor, Kearns, Aslanides, Gilb, Hollister,  
Flowers, Schmidt, Willamowski**

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**A B I L L**

To amend sections 140.01, 339.06, 5155.01, 5155.02, 1  
5155.03, 5155.04, 5155.14, 5155.16, 5155.19, 2  
5155.27, and 5155.31, to enact new section 140.051 3  
and sections 5155.011 and 5155.012, and to repeal 4  
sections 140.051, 5155.05, 5155.06, 5155.07, 5  
5155.28, and 5155.30 of the Revised Code to expand 6  
the definition of costs of hospital facilities, to 7  
confirm and validate amendments made to section 8  
140.01 and the enactment of section 140.051 of the 9  
Revised Code by Am. Sub. S.B. 109 of the 113th 10  
General Assembly in order to eliminate any legal 11  
challenges that have been or may be raised 12  
concerning the constitutionality of these 13  
amendments, to modify the conditions under which a 14  
board of county hospital trustees may obtain a 15  
secured line of credit, to permit transfer of 16  
operational authority of a county home to a board 17  
of county hospital trustees, and to authorize a 18  
board of county commissioners to contract with 19  
third parties to manage a county home. 20

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

**Section 1.** That sections 140.01, 339.06, 5155.01, 5155.02, 21  
5155.03, 5155.04, 5155.14, 5155.16, 5155.19, 5155.27, and 5155.31 22  
be amended and new section 140.051 and sections 5155.011 and 23  
5155.012 of the Revised Code be enacted to read as follows: 24

**Sec. 140.01.** As used in ~~this chapter~~ this chapter: 25

(A) "Hospital agency" means any public hospital agency or any 26  
nonprofit hospital agency. 27

(B) "Public hospital agency" means any county, board of 28  
county hospital trustees established pursuant to section 339.02 of 29  
the Revised Code, county hospital commission established pursuant 30  
to section 339.14 of the Revised Code, municipal corporation, new 31  
community authority organized under Chapter 349. of the Revised 32  
Code, joint township hospital district, state or municipal 33  
university or college operating or authorized to operate a 34  
hospital facility, ~~or the state, or the state.~~ 35

(C) "Nonprofit hospital agency" means a corporation or 36  
association not for profit, no part of the net earnings of which 37  
inures or may lawfully inure to the benefit of any private 38  
shareholder or individual, that has authority to own or operate a 39  
hospital facility or provides or is to provide services to one or 40  
more other hospital agencies. 41

(D) "Governing body" means, in the case of a county, the 42  
board of county commissioners or other legislative body; in the 43  
case of a board of county hospital trustees, the board; in the 44  
case of a county hospital commission, the commission; in the case 45  
of a municipal corporation, the council or other legislative 46  
authority; in the case of a new community authority, its board of 47  
trustees; in the case of a joint township hospital district, the 48  
joint township district hospital board; in the case of a state or 49  
municipal university or college, its board of trustees or board of 50

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.

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(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.

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(F) "Costs of hospital facilities" means the costs of  
acquiring ~~or constructing~~ hospital facilities, or interests in

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<u>hospital facilities, including membership interests in nonprofit</u>	83
<u>hospital agencies, costs of constructing hospital facilities,</u>	84
costs of improving <del>one or more</del> <u>one or more</u> hospital facilities,	85
including reconstructing, rehabilitating, remodeling, renovating,	86
and enlarging, costs of equipping and furnishing such facilities,	87
and all financing costs pertaining thereto, including, without	88
limitation thereto, costs of engineering, architectural, and other	89
professional services, designs, plans, specifications and surveys,	90
and estimates of cost, costs of tests and inspections, the costs	91
of any indemnity or surety bonds and premiums on insurance, all	92
related direct or allocable administrative expenses pertaining	93
thereto, fees and expenses of trustees, depositories, and paying	94
agents for the obligations, cost of issuance of the obligations	95
and financing charges and fees and expenses of financial advisors,	96
attorneys, accountants, consultants and rating services in	97
connection therewith, capitalized interest on the obligations,	98
amounts necessary to establish reserves as required by the bond	99
proceedings, the reimbursement of all moneys advanced or applied	100
by the hospital agency or others or borrowed from others for the	101
payment of any item or items of costs of such facilities, and all	102
other expenses necessary or incident to planning or determining	103
feasibility or practicability with respect to such facilities, and	104
such other expenses as may be necessary or incident to the	105
acquisition, construction, reconstruction, rehabilitation,	106
remodeling, renovation, enlargement, improvement, equipment, and	107
furnishing of such facilities, the financing thereof, and the	108
placing of the same in use and operation, including any one, part	109
of, or combination of such classes of costs and expenses, <del>and</del>	110
<del>means the costs of refinancing obligations issued by, or</del>	111
<del>reimbursement of money advanced by, nonprofit hospital agencies or</del>	112
<del>others the proceeds of which were used for the payment of costs of</del>	113
<del>hospital facilities, if the governing body of the public hospital</del>	114
<del>agency determines that the refinancing or reimbursement advances</del>	115

~~the purposes of this chapter, whether or not the refinancing or~~ 116  
~~reimbursement is in conjunction with the acquisition or~~ 117  
~~construction of additional hospital facilities, and means the~~ 118  
costs of refinancing obligations issued by, or reimbursement of 119  
money advanced by, nonprofit hospital agencies or others the 120  
proceeds of which were used for the payment of costs of hospital 121  
facilities, if the governing body of the public hospital agency 122  
determines that the refinancing or reimbursement advances the 123  
purposes of this chapter, whether or not the refinancing or 124  
reimbursement is in conjunction with the acquisition or 125  
construction of additional hospital facilities. 126

(G) "Hospital receipts" means all moneys received by or on 127  
behalf of a hospital agency from or in connection with the 128  
ownership, operation, acquisition, construction, improvement, 129  
equipping, or financing of any hospital facilities, including, 130  
without limitation thereto, any rentals and other moneys received 131  
from the lease, sale, or other disposition of hospital facilities, 132  
and any gifts, grants, interest subsidies, or other moneys 133  
received under any federal program for assistance in financing the 134  
costs of hospital facilities, and any other gifts, grants, and 135  
donations, and receipts therefrom, available for financing the 136  
costs of hospital facilities. 137

(H) "Obligations" means bonds, notes, or other evidences of 138  
indebtedness or obligation, including interest coupons pertaining 139  
thereto, issued or issuable by a public hospital agency to pay 140  
costs of hospital facilities. 141

(I) "Bond service charges" means principal, interest, and 142  
call premium, if any, required to be paid on obligations. 143

(J) "Bond proceedings" means one or more ordinances, 144  
resolutions, trust agreements, indentures, and other agreements or 145  
documents, and amendments and supplements to the foregoing, or any 146  
combination thereof, authorizing or providing for the terms, 147

~~including any variable interest rates,~~ including any variable 148  
interest rates, and conditions applicable to, or providing for the 149  
security of, obligations and the provisions contained in such 150  
obligations. 151

(K) "Nursing home" has the same meaning as in division (A)(1) 152  
of section 5701.13 of the Revised Code. 153

(L) "Residential care facility" has the same meaning as in 154  
division (A)(2) of section 5701.13 of the Revised Code. 155

(M) "Adult care facility" has the same meaning as in division 156  
(A)(3) of section 5701.13 of the Revised Code. 157

(N) "Independent living facility" means any self-care 158  
facility or other housing facility designed or used as a residence 159  
for elderly persons. An "independent living facility" does not 160  
include a residential facility, or that part of a residential 161  
facility, that is any of the following: 162

(1) A hospital required to be certified by section 3727.02 of 163  
the Revised Code; 164

(2) A nursing home or residential care facility; 165

(3) An adult care facility; 166

(4) A hospice licensed under section 3712.04 of the Revised 167  
Code; 168

(5) A habilitation center as defined in section 5123.041 of 169  
the Revised Code; 170

(6) A residential facility for the mentally ill licensed by 171  
the department of mental health under section 5119.22 of the 172  
Revised Code; 173

(7) A facility licensed to provide methadone treatment under 174  
section 3793.11 of the Revised Code; 175

(8) A facility certified as an alcohol and drug addiction 176

program under section 3793.06 of the Revised Code;

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(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;

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(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.

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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.

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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.

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**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

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the admission of persons as are expedient. 207

The board has control of the property of the hospital, 208  
including management and disposal of surplus property other than 209  
real estate or an interest in real estate, and has control of all 210  
funds used in the hospital's operation, including moneys received 211  
from the operation of the hospital, moneys appropriated for its 212  
operation by the board of county commissioners, and moneys 213  
resulting from special levies submitted by the board of county 214  
commissioners as provided for in section 5705.22 of the Revised 215  
Code. All or part of the moneys determined not to be necessary to 216  
meet current demands on the hospital may be invested by the board 217  
of hospital trustees or its designee in any classifications of 218  
securities and obligations eligible for deposit or investment of 219  
county moneys pursuant to section 135.35 of the Revised Code, 220  
subject to the approval of the board's written investment policy 221  
by the county investment advisory committee established pursuant 222  
to section 135.341 of the Revised Code. 223

(B) Annually by the first day of November, the board of 224  
county hospital trustees shall submit its proposed budget for the 225  
ensuing fiscal year to the board of county commissioners for 226  
approval, and the board of county commissioners shall approve a 227  
budget for the county hospital by the first day of December. If 228  
the taxes collected pursuant to any tax levied under section 229  
5705.22 of the Revised Code or the amount appropriated to the 230  
county hospital by the commissioners in the annual appropriation 231  
measure for the county for the ensuing fiscal year differ from the 232  
amount shown in the approved budget, the board of county 233  
commissioners may require the board of county hospital trustees to 234  
revise the hospital budget accordingly. The board of trustees 235  
shall not expend such funds until its budget for that calendar 236  
year is submitted to and approved by the board of county 237  
commissioners. Thereafter such funds may be disbursed by the board 238



of county hospital trustees, consistent with the approved budget, 239  
for the uses and purposes of such hospital; for the replacement of 240  
necessary equipment; for the acquisition, leasing, or construction 241  
of permanent improvements to county hospital property; or for 242  
making a donation authorized by division (C) of this section. Each 243  
disbursement of funds shall be made on a voucher signed by 244  
signatories designated and approved by the board of county 245  
hospital trustees. 246

The head of a board of county hospital trustees is not 247  
required to file an estimate of contemplated revenue and 248  
expenditures for the ensuing fiscal year under section 5705.28 of 249  
the Revised Code unless the board of county commissioners levies a 250  
tax for the county hospital, or such a tax is proposed, or the 251  
board of county hospital trustees desires that the board of county 252  
commissioners make an appropriation to the county hospital for the 253  
ensuing fiscal year. 254

All moneys appropriated by the board of county commissioners 255  
or from special levies by the board of county commissioners for 256  
the operation of the hospital, when collected shall be paid to the 257  
board of county hospital trustees on a warrant of the county 258  
auditor and approved by the board of county commissioners. The 259  
board of hospital trustees shall file an annual report of revenues 260  
and expenditures for the fiscal year with the board of county 261  
commissioners within ninety days after the fiscal year's end. 262

(C) For the public purpose of improving the health, safety, 263  
and general welfare of the community, the board of hospital 264  
trustees may donate to a nonprofit entity any of the following: 265

(1) Moneys and other financial assets determined not to be 266  
necessary to meet current demands on the hospital; 267

(2) Surplus hospital property, including supplies, equipment, 268  
office facilities, and other property that is not real estate or 269

an interest in real estate;	270
(3) Services rendered by the hospital.	271
(D)(1) For purposes of this division:	272
(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.	273 274
(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.	275 276
(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.	277 278
(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:	279 280 281 282
(a) <del>The term of the contract does not exceed one hundred eighty days.</del>	283 284
(b) <del>The board's secured line of credit does not exceed five hundred thousand dollars.</del>	285 286
(c) <del>The contract provides that any amount extended must be repaid in full before any additional credit can be extended.</del>	287 288
(d) <u>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.</u>	289 290 291 292 293 294 295
(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	296 297 298

board, or the county to recover the principal, interest, or any 299  
charges or other amounts that remain outstanding on the secured 300  
line of credit at the time of any default by the board of county 301  
hospital trustees. 302

~~(e)~~(c) The contract provides that no assets other than those 303  
of the hospital can be used to secure the line of credit. 304

~~(f)~~(d) The terms and conditions of the contract comply with 305  
all state and federal statutes and rules governing the extension 306  
of a secured line of credit. 307

(3) Any obligation incurred by a board of county hospital 308  
trustees under this division is an obligation of that board only 309  
and not a general obligation of the board of county commissioners 310  
or the county within the meaning of division (Q) of section 133.01 311  
of the Revised Code. 312

(4) Notwithstanding anything to the contrary in the Revised 313  
Code, the board of county hospital trustees may secure the line of 314  
credit authorized under this section by the grant of a security 315  
interest in any part or all of its tangible personal property and 316  
intangible personal property, including its deposit accounts, 317  
accounts receivable, or both. 318

(5) No board of county hospital trustees shall at any time 319  
have more than one secured line of credit under this section. 320

(E) The board shall establish a schedule of charges for all 321  
services and treatment rendered by the county hospital. It may 322  
provide for the free treatment in such hospital of soldiers, 323  
sailors, and marines of the county, under such conditions and 324  
rules as it prescribes. 325

(F) The board may designate the amounts and forms of 326  
insurance protection to be provided, and the board of county 327  
commissioners shall assist in obtaining such protection. The 328  
expense of providing the protection shall be paid from hospital 329

operating funds. 330

(G) The board of county hospital trustees may authorize a 331  
county hospital and each of its units, hospital board members, 332  
designated hospital employees, and medical staff members to be a 333  
member of and maintain membership in any local, state, or national 334  
group or association organized and operated for the promotion of 335  
the public health and welfare or advancement of the efficiency of 336  
hospital administration and in connection therewith to use tax 337  
funds for the payment of dues and fees and related expenses but 338  
nothing in this section prohibits the board from using receipts 339  
from hospital operation, other than tax funds, for the payment of 340  
such dues and fees. 341

(H) The following apply to the board of county hospital 342  
trustees, its employees, and the employees of the county hospital: 343

(1) The board shall adopt the wage and salary schedule for 344  
employees. 345

(2) The board may employ the hospital's administrator 346  
pursuant to section 339.07 of the Revised Code, and the 347  
administrator may employ individuals for the hospital in 348  
accordance with that section. 349

(3) The board may employ assistants as necessary to perform 350  
its clerical work, superintend properly the construction of the 351  
county hospital, and pay the hospital's expenses. Such employees 352  
may be paid from funds provided for the county hospital. 353

(4) The board may hire, by contract or as salaried employees, 354  
such management consultants, accountants, attorneys, engineers, 355  
architects, construction managers, and other professional advisors 356  
as it determines are necessary and desirable to assist in the 357  
management of the programs and operation of the county hospital. 358  
Such professional advisors may be paid from county hospital 359  
operating funds. 360

(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 390  
retention benefits specified under division (I) of this section. 391

(I) Notwithstanding sections 325.191 and 325.20 of the 392  
Revised Code, the board of county hospital trustees may provide, 393  
without the prior authorization of the board of county 394  
commissioners, scholarships for education in the health care 395  
professions, tuition reimbursement, and other staff development 396  
programs to enhance the skills of health care professionals for 397  
the purpose of recruiting or retaining qualified employees. 398

The board of county hospital trustees may pay reasonable 399  
expenses for recruiting or retaining physicians and other 400  
appropriate health care practitioners. 401

**Sec. 5155.01.** The board of county commissioners shall make 402  
all contracts for new buildings and for additions to existing 403  
buildings necessary for the county home, and shall prescribe rules 404  
for the management and good government of ~~such the~~ home ~~and to~~ 405  
~~promote sobriety, morality, and industry among residents. The~~ 406  
~~superintendent or administrator of the county home shall be~~ 407  
~~responsible for maintaining buildings in good repair.~~ 408

~~In all cases in which both the husband and wife have been 409  
admitted to such county home such couple, unless otherwise 410  
requested by either of them, shall not be separated, and shall be 411  
given quarters in the same part of such facility. 412~~

The superintendent or administrator may employ an 413  
administrative assistant and ~~such~~ additional necessary personnel, 414  
at rates of wages to be fixed by the board of county 415  
commissioners, as may not be found available on the part of the 416  
residents of the facility. The superintendent or administrator and 417  
administrative assistant shall be removed if either of them 418  
requires or permits residents or employees to render services for 419

the private interests of the superintendent or administrator, the 420  
administrative assistant, ~~or~~ any member of the board of county 421  
commissioners, or any private interest, or any member of the board 422  
of county hospital trustees if that board has entered into an 423  
agreement or otherwise has operational control as provided in 424  
section 5155.011 of the Revised Code. 425

**Sec. 5155.011.** (A) As used in this chapter, "operator" means 426  
a board of county hospital trustees acting under an agreement, or 427  
pursuant to a resolution adopted by the board of county 428  
commissioners, as provided in this section. 429

(B) The board of county commissioners may transfer 430  
operational control of the county home to the board of county 431  
hospital trustees of a county hospital located in the county by 432  
either of the following means: 433

(1) By adopting a resolution to transfer all operational 434  
control of the home to the board of county hospital trustees of 435  
that county hospital. The board of county hospital trustees also 436  
must adopt a resolution to accept the transfer of operational 437  
control. In transferring operational control, the board of county 438  
commissioners cannot and does not transfer ownership of any real 439  
or personal property of the county to the board of county hospital 440  
trustees. 441

(2) By entering into an agreement with the board of county 442  
hospital trustees of that county hospital to authorize the board 443  
of county hospital trustees to manage and operate the home on 444  
behalf of the board of county commissioners. Except as otherwise 445  
provided in the agreement, the operator shall carry out the duties 446  
of an operator authorized in this chapter in the same manner as 447  
otherwise would be required of the board of county commissioners. 448  
The agreement may specify duties set forth in this chapter that 449  
will be retained by the board of county commissioners instead of 450

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.

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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.

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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.

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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.

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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~~  
compensation ~~for his services as~~ the board or operator determines.  
The superintendent or administrator and administrative assistant  
shall each be allowed ~~his~~ actual necessary expenses incurred in

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the discharge of ~~his~~ official duties. The superintendent or 481  
administrator shall perform ~~such~~ the duties ~~as that~~ the board or 482  
operator imposes ~~upon him~~, and shall be governed in all respects 483  
by ~~its~~ the board's or operator's rules. ~~He shall not be removed by~~ 484  
~~the board except for good and sufficient cause.~~ 485

The board or operator may, by resolution, provide for the 486  
appointment by the superintendent or administrator of an assistant 487  
superintendent or administrator, who shall perform ~~such~~ the duties 488  
at the county home ~~as~~ prescribed by ~~such~~ the superintendent or 489  
administrator. The board or operator shall not appoint one of its 490  
own board members superintendent or administrator, nor shall any 491  
commissioner or trustee be eligible to any other office in the 492  
county home, or receive any compensation as physician or 493  
otherwise, directly or indirectly, wherein the appointing power is 494  
vested in ~~such board~~ the board of county commissioners or board of 495  
county hospital trustees, as applicable. 496

**Sec. 5155.04.** Before entering upon ~~his~~ official duties, the 497  
superintendent or administrator of the county home shall give bond 498  
~~to the state in a sum not to exceed twenty thousand and not less~~ 499  
~~than two thousand dollars,~~ as the board of county commissioners or 500  
operator requires, with ~~two or more sureties~~ a surety acceptable 501  
to the board or operator, conditioned for the faithful discharge 502  
of the duties of ~~his~~ that office. ~~Such~~ The bond, with the approval 503  
of the board or operator and the oath of office of ~~such~~ the 504  
superintendent or administrator, required by sections 3.22 and 505  
3.23 of the Revised Code and by Section 7 of Article XV, Ohio 506  
Constitution, ~~indorsed thereon~~ endorsed on it, shall be deposited 507  
with the county treasurer and kept in ~~his~~ the treasurer's office. 508

**Sec. 5155.14.** At the request of the superintendent or 509  
administrator of the county home, the board of county 510  
commissioners or operator shall set apart from the county home 511

fund, a reserve fund not to exceed four hundred dollars at any 512  
time, which, upon the order of the board or operator shall be paid 513  
to the superintendent or administrator and expended ~~by him~~ as 514  
needed for emergency supplies and expenses. The superintendent or 515  
administrator shall keep an accurate account of ~~such funds~~ the 516  
reserve fund, in a book to be provided at the expense of the 517  
county for that purpose, and all expenditures ~~therefrom~~ from it 518  
shall be audited by the board or operator. The county home fund 519  
shall be reimbursed by the superintendent or administrator, in 520  
full, for any items expended by ~~him~~ the superintendent or 521  
administrator from ~~such~~ the reserve fund, which items are not 522  
allowed by the board or operator. When, and as often as such 523  
amount is entirely disbursed, on the order of the board or 524  
operator, the county auditor shall pay to the superintendent or 525  
administrator the amount so appropriated. 526

**Sec. 5155.16.** ~~Annually, the~~ The superintendent or 527  
administrator or, if operational control has been transferred to 528  
an operator under section 5155.011 of the Revised Code, the 529  
operator of the county home shall submit to the board of county 530  
commissioners a an annual report ~~giving all statistical~~ 531  
~~information for the year preceding the first day of the month~~ 532  
~~shown by the record of residents of the home required by section~~ 533  
~~5155.07 of the Revised Code.~~ The 534

~~The~~ report shall show all of the following: 535

(A) The number of residents at the beginning of ~~such~~ the 536  
year, the number admitted during the year, the number born in the 537  
home, and the total number of resident days for the year; 538

(B) The number of residents discharged, the number of deaths, 539  
the number removed to other counties, states, and institutions 540  
during the year, and the number of residents remaining; 541

(C) The daily average census; 542

(D) The total current expenses for the year, ~~exclusive of~~ 543  
~~farm products;~~ 544

~~(E) The total value of farm products for the year;~~ 545

~~(F) The total amount paid in the county for outdoor relief~~ 546  
~~during the year;~~ 547

~~(G) The amount of salaries paid during the year to the~~ 548  
~~superintendent or administrator and the administrative assistant,~~ 549  
~~and the amount of wages paid other employees;~~ 550

(F) Any other information the board or operator requires. 551

~~The report shall contain such other information as the board~~ 552  
~~requires and an account of all moneys received by the~~ 553  
~~superintendent or administrator for the sale of farm products, or~~ 554  
~~from any other sources, and paid into the county treasury by him~~ 555  
~~to the credit of the county home fund, such account to be properly~~ 556  
~~itemized, showing dates of receipts, from whom and for what~~ 557  
~~purpose, and dates of payment of such receipts into the county~~ 558  
~~treasury. Such report shall be examined by the board, and if found~~ 559  
~~correct, shall be accepted, and such acceptance entered in the~~ 560  
~~minutes of the proceedings of the board. Such report shall then be~~ 561  
~~filed in the office of the county auditor, and shall be safely~~ 562  
~~preserved by him.~~ 563

**Sec. 5155.19.** Each month, The board of county commissioners 564  
or the operator may require the superintendent or administrator of 565  
the county home ~~shall to~~ submit to the board of county 566  
commissioners and, if applicable, to the operator a monthly report 567  
which shall show. The monthly report may contain any or all of the 568  
following: 569

(A) The number of residents at the beginning of each month; 570

(B) The number of residents admitted during the month; 571

(C) The number of residents discharged during the month;	572
(D) The number of deaths during the month;	573
(E) The total current expenses, <del>exclusive of farm products;</del>	574
(F) <del>The total value of farm products;</del>	575
<del>(G) Any other information the board of county commissioners</del> <u>or</u>	576
<u>operator</u> requires.	577

**Sec. 5155.27.** The board of county commissioners or operator 578  
may contract with one or more competent physicians to furnish 579  
medical relief and medicines necessary for the residents of the 580  
county home, but no contract shall extend beyond one year. Medical 581  
statistics shall be kept by the facility. ~~Such~~ Those statistics 582  
shall show the nature and extent of the services rendered, to whom 583  
they were rendered, and the character of the diseases treated. The 584  
board or operator may discharge any such physician for proper 585  
cause. No medical relief shall be furnished by the county to 586  
persons in their own homes, except for persons who are not 587  
residents of the state or county for one year, or of a township or 588  
city for three months, and except under section 5155.22 of the 589  
Revised Code. 590

**Sec. 5155.31.** (A) As used in this section, "county nursing 591  
home" means a facility that is owned and operated by the county 592  
or, if the board of county commissioners has transferred 593  
operational authority of the county home to a board of county 594  
hospital trustees, is operated by the board of county hospital 595  
trustees and that is used for the reception and care of 596  
individuals who by reason of illness or physical or mental 597  
impairment require skilled nursing care and of individuals who 598  
require personal assistance, as "mental impairment," "skilled 599  
nursing care," and "personal assistance" are defined in section 600  
3721.01 of the Revised Code. 601

(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 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 665  
shall be clearly expressed in its title; 666

(2) That every bill shall be considered by each house on 667  
three different days, unless two-thirds of the members elected to 668  
the house in which it is pending suspend the requirement. 669

(B) The amendments to division (D) of section 140.01 of the 670  
Revised Code by this act, insofar as they re-enact the phrase 671  
"director of development," are intended to ratify the amendments 672  
made to that division by Am. Sub. S.B. 227 of the 115th General 673  
Assembly enacted subsequent to the amendments enacted in that 674  
division by Am. Sub. S.B. 109 of the 113th General Assembly. 675