

As Reported by the House Health Committee

126th General Assembly

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Sub. S. B. No. 126

Senators Wachtmann, Stivers

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A B I L L

To amend sections 133.07, 140.03, 140.05, 325.19, 1
339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 2
339.14, 339.16, 339.17, 1347.12, 1349.19, 4723.01, 3
and 4723.32 and to repeal section 339.092 of the 4
Revised Code to modify the laws governing county 5
hospitals and licensed practical nurse duties and 6
to exempt a state agency or agency of a political 7
subdivision from the requirement that it disclose 8
or give notice of unauthorized access to personal 9
information if the agency is a covered entity 10
under the Health Insurance Portability and 11
Accountability Act of 1996. 12

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

Section 1. That sections 133.07, 140.03, 140.05, 325.19, 13
339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 339.14, 339.16, 14
339.17, 1347.12, 1349.19, 4723.01, and 4723.32 of the Revised Code 15
be amended to read as follows: 16

Sec. 133.07. (A) A county shall not incur, without a vote of 17
the electors, either of the following: 18

(1) Net indebtedness for all purposes that exceeds an amount 19
equal to one per cent of its tax valuation; 20

(2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, or repair of state highways that exceeds an amount equal to one-half of one per cent of its tax valuation.

(B) A county shall not incur total net indebtedness that exceeds an amount equal to one of the following limitations that applies to the county:

(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;

(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;

(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.

(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:

(1) Securities described in section 307.201 of the Revised Code;

(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:

(a) Water systems or facilities;

(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;

(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of

those facilities;	51
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	52 53 54
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	55 56 57
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	58 59
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	60 61
(h) Correctional and detention facilities and related rehabilitation facilities.	62 63
(3) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the county amounts equivalent to debt charges on the securities;	64 65 66 67 68 69 70
(4) Voted general obligation securities issued for the purpose of permanent improvements for sanitary sewerage or water systems or facilities to the extent that the total principal amount of voted securities outstanding for the purpose does not exceed an amount equal to two per cent of the county's tax valuation;	71 72 73 74 75 76
(5) Securities issued for permanent improvements to house agencies, departments, boards, or commissions of the county or of any municipal corporation located, in whole or in part, in the county, to the extent that the revenues, other than revenues from	77 78 79 80

unvoted county property taxes, derived from leases or other 81
agreements between the county and those agencies, departments, 82
boards, commissions, or municipal corporations relating to the use 83
of the permanent improvements are sufficient to cover the cost of 84
all operating expenses of the permanent improvements paid by the 85
county and debt charges on the securities; 86

(6) Securities issued pursuant to section 133.08 of the 87
Revised Code; 88

(7) Securities issued for the purpose of acquiring or 89
constructing roads, highways, bridges, or viaducts, for the 90
purpose of acquiring or making other highway permanent 91
improvements, or for the purpose of procuring and maintaining 92
computer systems for the office of the clerk of any 93
county-operated municipal court, for the office of the clerk of 94
the court of common pleas, or for the office of the clerk of the 95
probate, juvenile, or domestic relations division of the court of 96
common pleas to the extent that the legislation authorizing the 97
issuance of the securities includes a covenant to appropriate from 98
moneys distributed to the county pursuant to division (B) of 99
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 100
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 101
sufficient amount to cover debt charges on and financing costs 102
relating to the securities as they become due; 103

(8) Securities issued for the purpose of acquiring, 104
constructing, improving, and equipping a county, multicounty, or 105
multicounty-municipal jail, workhouse, juvenile detention 106
facility, or correctional facility; 107

(9) Securities issued for the acquisition, construction, 108
equipping, or repair of any permanent improvement or any class or 109
group of permanent improvements enumerated in a resolution adopted 110
pursuant to division (D) of section 5739.026 of the Revised Code 111

to the extent that the legislation authorizing the issuance of the securities includes a covenant to appropriate from moneys received from the taxes authorized under section 5739.023 and division (A)(5) of section 5739.026 of the Revised Code an amount sufficient to pay debt charges on the securities and those moneys shall be pledged for that purpose; 112
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(10) Securities issued for county or joint county solid waste or hazardous waste collection, transfer, or disposal facilities, or resource recovery and solid or hazardous waste recycling facilities, or any combination of those facilities; 118
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(11) Securities issued for the acquisition, construction, and equipping of a port authority educational and cultural facility under section 307.671 of the Revised Code; 122
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(12) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(1) of section 307.672 of the Revised Code; 125
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(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code; 129
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(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code; 131
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(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code; 135
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(16) Sales tax supported bonds issued pursuant to section 143
133.081 of the Revised Code for the purpose of acquiring, 144
constructing, improving, or equipping any permanent improvement to 145
the extent that the legislation authorizing the issuance of the 146
sales tax supported bonds pledges county sales taxes to the 147
payment of debt charges on the sales tax supported bonds and 148
contains a covenant to appropriate from county sales taxes a 149
sufficient amount to cover debt charges or the financing costs 150
related to the sales tax supported bonds as they become due; 151

(17) Bonds or notes issued under section 133.60 of the 152
Revised Code if the legislation authorizing issuance of the bonds 153
or notes includes a covenant to appropriate from revenue received 154
from a tax authorized under division (A)(9) of section 5739.026 155
and section 5741.023 of the Revised Code an amount sufficient to 156
pay the debt charges on the bonds or notes, and the board of 157
county commissioners pledges that revenue for that purpose; 158

(18) Securities issued under section 3707.55 of the Revised 159
Code for the acquisition of real property by a general health 160
district; 161

(19) Securities issued under division (A)(3) of section 162
3313.37 of the Revised Code for the acquisition of real and 163
personal property by an educational service center. 164

(D) In calculating the net indebtedness of a county, no 165
obligation incurred under division ~~(D)~~(F) of section 339.06 of the 166
Revised Code shall be considered. 167

Sec. 140.03. (A) Two or more hospital agencies may enter into 168
agreements for the acquisition, construction, reconstruction, 169
rehabilitation, remodeling, renovating, enlarging, equipping, and 170
furnishing of hospital facilities, or the management, operation, 171
occupancy, use, maintenance, and repair of hospital facilities, or 172

for participation in programs, projects, activities, and services 173
useful to, connected with, supplementing, or otherwise related to 174
the services provided by, or the operation of, hospital facilities 175
operated by one or more participating hospital agencies, including 176
any combination of such purposes, all in such manner as to promote 177
the public purpose stated in section 140.02 of the Revised Code. A 178
city health district; general health district; board of alcohol, 179
drug addiction, and mental health services; county board of mental 180
retardation and developmental disabilities; the department of 181
mental health; the department of mental retardation and 182
developmental disabilities; or any public body engaged in the 183
education or training of health professions personnel may join in 184
any such agreement for purposes related to its authority under 185
laws applicable to it, and as such a participant shall be 186
considered a public hospital agency or hospital agency for the 187
purposes of this section. 188

(B) An agreement entered into under authority of this section 189
shall, where appropriate, provide for: 190

(1) The manner in which the title to the hospital facilities, 191
including the sites and interest in real estate pertaining 192
thereto, is to be held, transferred, or disposed of; 193

(2) Unless provided for by lease pursuant to section 140.05 194
of the Revised Code, the method by which such hospital facilities 195
are to be acquired, constructed, or otherwise improved and by 196
which they shall be managed, occupied, maintained, and repaired, 197
including the designation of one of the hospital agencies to have 198
charge of the details of acquisition, construction, or improvement 199
pursuant to the contracting procedures prescribed under the law 200
applicable to one of the participating public hospital agencies; 201

(3) The management or administration of any such programs, 202
projects, activities, or services, which may include management or 203
administration by one of said hospital agencies or a board or 204

agency thereof;	205
(4) Annual, or more frequent, reports to the participating hospital agencies as to the revenues and receipts pertaining to the subject of the agreement, the expenditures thereof, the status and application of other funds contributed under such agreement, and such other matters as may be specified by or pursuant to such agreement;	206 207 208 209 210 211
(5) The manner of apportionment or sharing of costs of hospital facilities, any other applicable costs of management, operation, maintenance, and repair of hospital facilities, and costs for the programs, projects, activities, and services forming the subject of the agreement, which apportionment or sharing may be prescribed in fixed amounts, or determined by ratios, formulas, or otherwise, and paid as service charges, rentals, or in such other manner as provided in the agreement, and may include amounts sufficient to meet the bond service charges and other payments and deposits required under the bond proceedings for obligations issued to pay costs of hospital facilities. A hospital agency may commit itself to make such payments at least for so long as any such obligations are outstanding. In the apportionment, different classes of costs or expenses may be apportioned to one or more, all or less than all, of the participating hospital agencies as determined under such agreement.	212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227
(C) An agreement entered into under authority of this section may provide for:	228 229
(1) An orderly process for making determinations or advising as to planning, execution, implementation, and operation, which may include designating one of the hospital agencies, or a board thereof, for any of such purposes, provisions for a committee, board, or commission, and for representation thereon, or as may otherwise be provided;	230 231 232 233 234 235

(2) Securing necessary personnel, including participation of personnel from the respective hospital agencies;	236 237
(3) Standards or conditions for the admission or participation of patients and physicians;	238 239
(4) Conditions for admittance of other hospital agencies to participation under the agreement;	240 241
(5) Fixing or establishing the method of determining charges to be made for particular services;	242 243
(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement, or an indefinite term;	244 245 246
(7) Designation of the applicants for or recipients of any federal, state, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;	247 248 249
(8) Designation of one or more of the participating hospital agencies to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement;	250 251 252 253
(9) Any incidental use of the hospital facilities, or services thereof, by participating public hospital agencies for any of their lawful purposes, which incidental use does not impair the character of the facilities as hospital facilities for any purpose of this chapter;	254 255 256 257 258
(10) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section.	259 260
(D) For the purpose of paying or contributing its share under an agreement made under this section, a public hospital agency may:	261 262 263
(1) Expend any moneys from its general fund, and from any other funds not otherwise restricted by law, but including funds	264 265

for permanent improvements of hospital facilities of such public hospital agency where the contribution is to be made toward the costs of hospital facilities under the agreement, and including funds derived from levies for, or receipts available for, operating expenses of hospital facilities or services of such public hospital agency where the contribution or payment is to be made toward operating expenses of the hospital facilities or services under the agreement or for the services provided thereby;

(2) Issue obligations under Chapter 133. or ~~sections~~ section 140.06, 339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 3 of Article XVIII, Ohio Constitution, if applicable to such public hospital agency, to pay costs of hospital facilities, or issue obligations under any other provision of law authorizing such public hospital agency to issue obligations for any costs of hospital facilities;

(3) Levy taxes under Chapter 5705. or section 513.13 or 3709.29 of the Revised Code, if applicable to such public hospital agency, provided that the purpose of such levy may include the provision of funds for either or both permanent improvements and current expenses if required for the contribution or payment of such hospital agency under such agreement, and each such public hospital agency may issue notes in anticipation of any such levy, pursuant to the procedures provided in section 5705.191 of the Revised Code if the levy is solely for current expenses, and in section 5705.193 of the Revised Code if the levy is all or in part for permanent improvements;

(4) Contribute real and personal property or interest therein without necessity for competitive bidding or public auction on disposition of such property.

(E) Any funds provided by public hospital agencies that are parties to an agreement entered into under this section shall be

transferred to and placed in a separate fund or funds of such participating public hospital agency as is designated under the agreement. The funds shall be applied for the purposes provided in such agreement and are subject to audit. Pursuant to any determinations to be made under such agreement, the funds shall be deposited, invested, and disbursed under the provisions of law applicable to the public hospital agency in whose custody the funds are held. This division is subject to the provisions of any applicable bond proceedings under section 133.08, 140.06, 339.15, or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio Constitution. The records and reports of such public hospital agency under Chapter 117. of the Revised Code and sections 3702.51 to 3702.62 of the Revised Code, with respect to the funds shall be sufficient without necessity for reports thereon by the other public hospital agencies participating under such agreement.

(F)(1) Prior to its entry into any such agreement, the public hospital agency must determine, and set forth in a resolution or ordinance, that the contribution to be made by it under such agreement will be fair consideration for value and benefit to be derived by it under such agreement and that the agreement will promote the public purpose stated in section 140.02 of the Revised Code.

(2) If the agreement is with a board of county commissioners, board of county hospital trustees, or county hospital commission and is an initial agreement for the acquisition or operation of a county hospital operated by a board of county hospital trustees under section 339.06 of the Revised Code, the governing body of the public hospital agency shall submit the agreement, accompanied by the resolution or ordinance, to the board of county commissioners for review pursuant to section 339.091 of the Revised Code. ~~If~~ The agreement may be entered into only if the board of county commissioners adopts a resolution under that

~~section, it shall submit the resolution to the electors of the~~ 329
~~county pursuant to section 339.092 of the Revised Code. The~~ 330
requirements of division (F)(2) of this section do not apply to 331
the agreement if one or more hospitals classified as general 332
hospitals by the public health council under section 3701.07 of 333
the Revised Code are operating in the same county as the county 334
hospital. 335

Sec. 140.05. (A)(1) A public hospital agency may lease any 336
hospital facility to one or more hospital agencies for use as a 337
hospital facility, or to one or more city or general health 338
districts; boards of alcohol, drug addiction, and mental health 339
services; county boards of mental retardation and developmental 340
disabilities; the department of mental health; or the department 341
of mental retardation and developmental disabilities, for uses 342
which they are authorized to make thereof under the laws 343
applicable to them, or any combination of them, and they may lease 344
such facilities to or from a hospital agency for such uses, upon 345
such terms and conditions as are agreed upon by the parties. Such 346
lease may be for a term of fifty years or less and may provide for 347
an option of the lessee to renew for a term of fifty years or 348
less, as therein set forth. Prior to entering into such lease, the 349
governing body of any public hospital agency granting such lease 350
must determine, and set forth in a resolution or ordinance, that 351
such lease will promote the public purpose stated in section 352
140.02 of the Revised Code and that the lessor public hospital 353
agency will be duly benefited thereby. 354

(2) If the lease is with a board of county commissioners, 355
board of county hospital trustees, or county hospital commission 356
and is an agreement for the initial lease of a county hospital 357
operated by a board of county hospital trustees under section 358
339.06 of the Revised Code, the governing body of the public 359
hospital agency shall submit the agreement, accompanied by the 360

resolution or ordinance, to the board of county commissioners for 361
review pursuant to section 339.091 of the Revised Code. ~~If The~~ 362
~~agreement may be entered into only if~~ the board of county 363
commissioners adopts a resolution under that section, ~~it shall~~ 364
~~submit the resolution to the electors of the county pursuant to~~ 365
~~section 339.092 of the Revised Code.~~ The requirements of division 366
(A)(2) of this section do not apply to the lease if one or more 367
hospitals classified as general hospitals by the public health 368
council under section 3701.07 of the Revised Code are operating in 369
the same county as the county hospital. 370

(B) Any lease entered into pursuant to this section shall 371
provide that in the event that the lessee fails faithfully and 372
efficiently to administer, maintain, and operate such leased 373
facilities as hospital facilities, or fails to provide the 374
services thereof without regard to race, creed, color, or national 375
origin, or fails to require that any hospital agency using such 376
facilities or the services thereof shall not discriminate by 377
reason of race, creed, color, or national origin, after an 378
opportunity to be heard upon written charges, said lease may be 379
terminated at the time, in the manner and with consequences 380
therein provided. If any such lease does not contain terms to the 381
effect provided in this division, it shall nevertheless be deemed 382
to contain such terms which shall be implemented as determined by 383
the governing body of the lessor. 384

(C) Such lease may provide for rentals commencing at any time 385
agreed upon, or advance rental, and continuing for such period 386
therein provided, notwithstanding and without diminution, rebate, 387
or setoff by reason of time of availability of the hospital 388
facility for use, delays in construction, failure of completion, 389
damage or destruction of the hospital facilities, or for any other 390
reason. 391

(D) Such lease may provide for the sale or transfer of title 392

of the leased facilities pursuant to an option to purchase, 393
lease-purchase, or installment purchase upon terms therein 394
provided or to be determined as therein provided, which may 395
include provision for the continued use thereof as a hospital 396
facility for some reasonable period, taking into account efficient 397
useful life and other factors, as is provided therein. 398

(E) Such lease may be entered as part of or in connection 399
with an agreement pursuant to section 140.03 of the Revised Code. 400
Any hospital facilities which are the subject of an agreement 401
entered into under section 140.03 of the Revised Code may be 402
leased pursuant to this section. 403

(F) If land acquired by a public hospital agency for a 404
hospital facility is adjacent to an existing hospital facility 405
owned by another hospital agency, the public hospital agency may, 406
in connection with such acquisition or the leasing of such land 407
and hospital facilities thereon to one or more hospital agencies, 408
enter into an agreement with the hospital agency which owns such 409
adjacent hospital facility for the use of common walls in the 410
construction, operation, or maintenance of hospital facilities of 411
the public hospital agency. For the purpose of construction, 412
operation, or maintenance of hospital facilities, a public 413
hospital agency may acquire by purchase, gift, lease, lease with 414
option to purchase, lease-purchase, or installment purchase, 415
easement deed, or other agreement, real estate and interests in 416
real estate, including rights to use space over, under or upon 417
real property owned by others, and support, access, common wall, 418
and other rights in connection therewith. Any public hospital 419
agency or other political subdivision or any public agency, board, 420
commission, institution, body, or instrumentality may grant such 421
real estate, interests, or rights to any hospital agency upon such 422
terms as are agreed upon without necessity for competitive bidding 423
or public auction. 424

Sec. 325.19. (A)(1) The granting of vacation leave under 425
division (A)(1) of this section is subject to divisions (A)(2) and 426
(3) of this section. Each full-time employee in the several 427
offices and departments of the county service, including full-time 428
hourly rate employees, after service of one year with the county 429
or any political subdivision of the state, shall have earned and 430
will be due upon the attainment of the first year of employment, 431
and annually thereafter, eighty hours of vacation leave with full 432
pay. One year of service shall be computed on the basis of 433
twenty-six biweekly pay periods. A full-time county employee with 434
eight or more years of service with the county or any political 435
subdivision of the state shall have earned and is entitled to one 436
hundred twenty hours of vacation leave with full pay. A full-time 437
county employee with fifteen or more years of service with the 438
county or any political subdivision of the state shall have earned 439
and is entitled to one hundred sixty hours of vacation leave with 440
full pay. A full-time county employee with twenty-five years of 441
service with the county or any political subdivision of the state 442
shall have earned and is entitled to two hundred hours of vacation 443
leave with full pay. Such vacation leave shall accrue to the 444
employee at the rate of three and one-tenth hours each biweekly 445
period for those entitled to eighty hours per year; four and 446
six-tenths hours each biweekly period for those entitled to one 447
hundred twenty hours per year; six and two-tenths hours each 448
biweekly period for those entitled to one hundred sixty hours per 449
year; and seven and seven-tenths hours each biweekly period for 450
those entitled to two hundred hours per year. 451

The appointing authorities of the offices and departments of 452
the county service may permit all or any part of a person's prior 453
service with any regional council of government established in 454
accordance with Chapter 167. of the Revised Code to be considered 455
service with the county or a political subdivision of the state 456

for the purpose of determining years of service under this 457
division. 458

(2) Full-time employees granted vacation leave under division 459
(A)(1) of this section who render any standard of service other 460
than forty hours per week as described in division (J) of this 461
section and who are in active pay status in a biweekly pay period, 462
shall accrue a number of hours of vacation leave during each such 463
pay period that bears the same ratio to the number of hours 464
specified in division (A)(1) of this section as their number of 465
hours which are accepted as full-time in active pay status, 466
excluding overtime hours, bears to eighty hours. 467

(3) Full-time employees granted vacation leave under division 468
(A)(1) of this section who are in active pay status in a biweekly 469
pay period for less than eighty hours or the number of hours of 470
service otherwise accepted as full-time by their employing office 471
or department shall accrue a number of hours of vacation leave 472
during that pay period that bears the same ratio to the number of 473
hours specified in division (A)(1) of this section as their number 474
of hours in active pay status, excluding overtime hours, bears to 475
eighty or the number of hours of service accepted as full-time, 476
whichever is applicable. 477

(B) A board of county commissioners, by resolution, may grant 478
vacation leave with full pay to part-time county employees. A 479
part-time county employee shall be eligible for vacation leave 480
with full pay upon the attainment of the first year of employment, 481
and annually thereafter. The ratio between the hours worked and 482
the vacation hours awarded to a part-time employee shall be the 483
same as the ratio between the hours worked and the vacation hours 484
earned by a full-time employee as provided for in this section. 485

(C) Days specified as holidays in section 124.19 of the 486
Revised Code shall not be charged to an employee's vacation leave. 487

Vacation leave shall be taken by the employee during the year in 488
which it accrued and prior to the next recurrence of the 489
anniversary date of the employee's employment, provided the 490
appointing authority may, in special and meritorious cases, permit 491
such employee to accumulate and carry over the employee's vacation 492
leave to the following year. No vacation leave shall be carried 493
over for more than three years. An employee is entitled to 494
compensation, at the employee's current rate of pay, for the 495
prorated portion of any earned but unused vacation leave for the 496
current year to the employee's credit at time of separation, and 497
in addition shall be compensated for any unused vacation leave 498
accrued to the employee's credit, with the permission of the 499
appointing authority, for the three years immediately preceding 500
the last anniversary date of employment. 501

(D)(1) In addition to vacation leave, a full-time county 502
employee is entitled to eight hours of holiday pay for New Year's 503
day, Martin Luther King day, Washington-Lincoln day, Memorial day, 504
Independence day, Labor day, Columbus day, Veterans' day, 505
Thanksgiving day, and Christmas day, of each year. Except as 506
provided in division (D)(2) of this section, holidays shall occur 507
on the days specified in section 1.14 of the Revised Code. If any 508
of those holidays fall on Saturday, the Friday immediately 509
preceding shall be observed as the holiday. If any of those 510
holidays fall on Sunday, the Monday immediately succeeding shall 511
be observed as the holiday. If an employee's work schedule is 512
other than Monday through Friday, the employee is entitled to 513
holiday pay for holidays observed on the employee's day off 514
regardless of the day of the week on which they are observed. 515

(2)(a) When a classified employee of a county board of mental 516
retardation and developmental disabilities works at a site 517
maintained by a government entity other than the board, such as a 518
public school, the board may adjust the employee's holiday 519

schedule to conform to the schedule adopted by the government 520
entity. Under an adjusted holiday schedule, an employee shall 521
receive the number of hours of holiday pay granted under division 522
(D)(1) of this section. 523

(b) Pursuant to division ~~(H)~~(J)(6) of section 339.06 of the 524
Revised Code, a county hospital may observe Martin Luther King 525
day, Washington-Lincoln day, Columbus day, and Veterans' day on 526
days other than those specified in section 1.14 of the Revised 527
Code. 528

(E) In the case of the death of a county employee, the unused 529
vacation leave and unpaid overtime to the credit of any such 530
employee shall be paid in accordance with section 2113.04 of the 531
Revised Code, or to the employee's estate. 532

(F) Notwithstanding this section or any other section of the 533
Revised Code, any appointing authority of a county office, 534
department, commission, board, or body may, upon notification to 535
the board of county commissioners, establish alternative schedules 536
of vacation leave and holidays for employees of the appointing 537
authority for whom the state employment relations board has not 538
established an appropriate bargaining unit pursuant to section 539
4117.06 of the Revised Code, provided that the alternative 540
schedules are not inconsistent with the provisions of a collective 541
bargaining agreement covering other employees of that appointing 542
authority. 543

(G) The employees of a county children services board that 544
establishes vacation benefits under section 5153.12 of the Revised 545
Code are exempt from division (A) of this section. 546

(H) The provisions of this section do not apply to 547
superintendents and management employees of county boards of 548
mental retardation and developmental disabilities. 549

(I) Division (A) of this section does not apply to an 550

employee of a county board of mental retardation and developmental 551
disabilities who works at, or provides transportation services to 552
pupils of, a special education program provided by the county 553
board pursuant to division (A)(4) of section 5126.05 of the 554
Revised Code, if the employee's employment is based on a school 555
year and the employee is not subject to a contract with the county 556
board that provides for division (A) of this section to apply to 557
the employee. 558

(J) As used in this section: 559

(1) "Full-time employee" means an employee whose regular 560
hours of service for a county total forty hours per week, or who 561
renders any other standard of service accepted as full-time by an 562
office, department, or agency of county service. 563

(2) "Part-time employee" means an employee whose regular 564
hours of service for a county total less than forty hours per 565
week, or who renders any other standard of service accepted as 566
part-time by an office, department, or agency of county service, 567
and whose hours of county service total at least five hundred 568
twenty hours annually. 569

(3) "Management employee" has the same meaning as in section 570
5126.20 of the Revised Code. 571

Sec. 339.01. (A) As used in sections 339.01 to 339.17 of the 572
Revised Code: 573

(1) "Hospital facilities" has the meaning given in section 574
140.01 of the Revised Code. 575

(2) "County hospital" includes all of the county hospital's 576
branches and hospital facilities, wherever located. 577

(3) "Outpatient health facility" means a facility where 578
medical care and preventive, diagnostic, therapeutic, 579
rehabilitative, or palliative items or services are provided to 580

outpatients by or under the direction of a physician or dentist. 581

(B) A board of county commissioners may purchase, acquire, 582
lease, appropriate, and construct a county hospital or hospital 583
facilities thereof. After a county hospital or hospital facilities 584
have been fully completed and sufficiently equipped for occupancy, 585
any subsequent improvements, enlargements, or rebuilding of any 586
such facility shall be made by the board of county hospital 587
trustees or a hospital commission appointed pursuant to section 588
339.14 of the Revised Code. 589

(C)(1) A board of county commissioners, board of county 590
hospital trustees, or hospital commission may purchase, acquire, 591
lease, appropriate, or construct an outpatient health facility in 592
another county to serve as a branch of the county hospital. The 593
outpatient health facility may include office space for 594
physicians. The facility shall be operated pursuant to the law 595
that regulates the operation of the county hospital. A 596

(2) When a proposal to establish an outpatient health 597
facility in another county is made by a board of hospital trustees 598
or a hospital commission, all of the following apply: 599

(a) The board of county hospital trustees or a hospital 600
commission that proposes to establish such a facility shall give 601
written notice to its board of county commissioners and to the 602
board of county commissioners of the county where the facility is 603
to be located. The board of county commissioners where the 604
facility is to be located, by resolution adopted within forty days 605
after receipt of the notice, may object to the proposed facility. 606
The resolution shall include an explanation of the objection and 607
may make any recommendations the board considers necessary. The 608
board shall send a copy of the resolution to the board of county 609
hospital trustees or the hospital commission and to the board of 610
county commissioners of the county that proposes to locate the 611

facility in the other county. 612

~~(2)(b)~~ Except as provided in division (C)~~(3)(2)(c)~~ of this 613
section, the board of county hospital trustees or the hospital 614
commission may establish and operate the facility, unless the 615
board of county commissioners of the county proposing to locate 616
the facility in the other county, not later than twenty days after 617
receiving a resolution of objection from the other county's board 618
of county commissioners pursuant to division (C)~~(1)(2)(a)~~ of this 619
section, adopts a resolution denying the trustees or commission 620
the right to establish the facility. 621

~~(3)(c)~~ If a board of county commissioners provides a subsidy 622
for uncompensated care to a board of county hospital trustees or 623
hospital commission, the board of county hospital trustees or 624
hospital commission may establish and operate the outpatient 625
health facility only if that board of county commissioners 626
approves the establishment of the facility. 627

(D) A county hospital may be designated as a monument to 628
commemorate the services of the soldiers, sailors, marines, and 629
pioneers of the county. 630

Sec. 339.02. (A) As used in this section, "area served by the 631
hospital" means the geographic area, whether or not included 632
within the county, from which a county hospital regularly draws 633
patients. 634

(B) Unless a board of county hospital trustees for the county 635
is in existence in accordance with this section, such board shall 636
be created pursuant to this section after the board of county 637
commissioners first determines by resolution to establish a county 638
hospital. Copies of such resolution shall be certified to the 639
probate judge of the county senior in point of service and to the 640
judge, other than a probate judge, of the court of common pleas of 641
the county senior in point of service. The 642

~~(C)~~ The board of county commissioners together with the 643
probate judge of the county senior in point of service and the 644
judge of the court of common pleas of the county senior in point 645
of service shall, within ten days after such certification, 646
appoint a board of county hospital trustees. 647

The (C) In making appointments to a board of county hospital 648
trustees, all of the following apply with respect to the 649
individuals who may be appointed: 650

(1) Members shall be electors of the area served by the 651
hospital, except that not more than two members may be electors of 652
the area served by the hospital that is outside the county in 653
which the hospital is located. 654

(2) In no case shall more than one-half of the members be 655
independents or be members of any one political party. 656

(3) A physician may serve as a member, including a physician 657
who is authorized to admit and treat patients at the hospital, 658
except as follows: 659

(a) Not more than two physicians may serve as members at the 660
same time; 661

(b) No physician who is employed by the hospital may serve as 662
a member. 663

(D) A board of county hospital trustees shall be composed of 664
six electors of the area served by the hospital members, unless 665
the board of county commissioners determines that the board of 666
trustees can more effectively function with eight or ten trustees 667
members in which case there may be eight or ten trustees members, 668
as designated by the board of county commissioners. 669

(E) With respect to the initial appointment of members to a 670
board of county hospital trustees, all of the following apply: 671

(1) When the board of trustees is composed of six electors 672

members, their terms of office shall be: one for one year, one for 673
two years, one for three years, one for four years, one for five 674
years, and one for six years from the first Monday of March 675
thereafter. 676

(2) When the board is composed of eight ~~electors~~ members, 677
their terms of office shall be: one for one year, one for two 678
years, two for three years, one for four years, one for five 679
years, and two for six years from the first Monday of March 680
thereafter. 681

(3) When the board is composed of ten ~~electors~~ members, their 682
terms of office shall be: two for one year, one for two years, two 683
for three years, two for four years, one for five years, and two 684
for six years from the first Monday of March thereafter. 685

(F) Except as provided in division (G)(2) of this section, 686
all of the following apply with respect to vacancies on a board of 687
county hospital trustees: 688

(1) Annually thereafter except as provided in division (D)(2) 689
of this section, on the first Monday of March, the board of county 690
commissioners together with the probate judge of the county senior 691
in point of service and the judge of the court of common pleas of 692
the county senior in point of service shall appoint or reappoint 693
for a term of six years a sufficient number of ~~electors of the~~ 694
~~area served by the hospital~~ members to replace those ~~trustees~~ 695
members whose terms have expired. 696

(D)(2) The appointing authority shall fill a vacancy not 697
later than six months after the vacancy occurs. If the vacancy 698
remains unfilled on that date, the remaining members of the board, 699
by majority vote, shall appoint an individual to fill the vacancy. 700

(3) The appointing authority may fill a vacancy by seeking 701
nominations from a selection committee consisting of one county 702
commissioner designated by the board of county commissioners, the 703

chair of the board of county hospital trustees, and the county 704
hospital administrator. If nominations for filling a vacancy are 705
sought from a selection committee, the committee shall nominate at 706
least three individuals for the vacancy. The appointing authority 707
may fill the vacancy by appointing one of the nominated 708
individuals or by appointing another individual selected by the 709
appointing authority. 710

(4) Any member appointed to fill a vacancy occurring prior to 711
the expiration date of the term for which the member's predecessor 712
was appointed shall hold office as a member for the remainder of 713
that term. 714

(G)(1) The board of county commissioners together with the 715
probate judge senior in point of service and the judge of the 716
court of common pleas senior in point of service in any county in 717
which a board of county hospital trustees has been appointed may 718
expand the number of ~~trustees~~ members to eight or to ten. ~~Such~~ 719
~~additional trustees shall be electors of the area served by the~~ 720
~~hospital.~~ When the number of ~~trustees~~ members is increased to 721
eight, one shall be appointed for a three-year and one for a 722
six-year term from the first Monday of March thereafter. When the 723
number of ~~trustees~~ members is increased from six to ten, the term 724
for additional members shall be: one for one year, one for three 725
years, one for four years, and one for six years from the first 726
Monday of March thereafter. When the number of ~~trustees~~ members is 727
increased from eight to ten, the term for additional members shall 728
be: one for one year and one for four years from the first Monday 729
of March thereafter. Thereafter except as provided in division 730
~~(D)~~(G)(2) of this section, upon the expiration of the term of 731
office of each ~~trustee~~ member, the ~~trustee's successor~~ vacancy 732
shall be ~~appointed for a term of six years~~ filled in the manner 733
specified in division (F) of this section. 734

(2) The board of county commissioners together with the 735

probate judge senior in point of service and the judge of the 736
court of common pleas senior in point of service may reduce the 737
number of members of a board of county hospital trustees to eight 738
or to six. The reduction shall occur on expiration of a ~~trustee's~~ 739
~~member's~~ term of office, at which time no appointment shall be 740
made. While the board of county commissioners and the judges are 741
in the process of reducing the number of ~~trustees~~ members, the 742
board of county hospital trustees may consist of nine or seven 743
~~trustees~~ members for one year. 744

~~(E) In no case shall more than one half of the members of a~~ 745
~~board of county hospital trustees be independents or be members of~~ 746
~~any one political party. Notwithstanding any other provision of~~ 747
~~this section, no more than two members of the board shall be~~ 748
~~electors of the area served by the hospital that is outside the~~ 749
~~county in which the hospital is located. The~~ 750

(H) Any member of a board of county hospital trustees may be 751
removed from office by the appointing authority for neglect of 752
duty, misconduct, or malfeasance in office. The member shall be 753
informed in writing of the charges and afforded an opportunity for 754
a hearing before the appointing authority. The appointing 755
authority shall not remove a member from office for political 756
reasons. 757

(I) The members of a board of county hospital trustees shall 758
serve without compensation, but shall be allowed their necessary 759
and reasonable expenses incurred in the performance of their 760
duties, including the cost of their participation in any 761
continuing education programs or developmental programs that the 762
members consider necessary. Allowable expenses shall be paid out 763
of the funds provided for the county hospital. 764

(J) The persons ~~so~~ selected to be members of a board of 765
county hospital trustees shall forthwith be notified, by mail, of 766

their appointment. ~~The~~ When a board is initially appointed, the 767
notice shall state a time, not more than ten days later, when such 768
board shall meet at the county seat of such county to organize. On 769

~~On~~ the date stated, the board shall meet and organize. 770

(K) A board of county hospital trustees shall organize by 771
electing one of its number as chairperson and such other officers 772
as specified in the board's rules. Four members of a six-member 773
board constitute a quorum, five members constitute a quorum of an 774
eight-member board, and six members constitute a quorum of a 775
ten-member board. 776

~~(F) The board of county commissioners, together with the~~ 777
~~probate judge senior in point of service and the judge of the~~ 778
~~court of common pleas senior in point of service, shall fill all~~ 779
~~vacancies that occur in such board of county hospital trustees~~ 780
~~which result from death, resignation, or removal from office by~~ 781
~~appointment of electors from the area served by the hospital to~~ 782
~~fill the unexpired terms. Any trustee appointed under this section~~ 783
~~may be removed from office by the appointing authority for cause~~ 784
~~impairing faithful, efficient, and intelligent administration, or~~ 785
~~for conduct unbecoming to such office, after an opportunity is~~ 786
~~given to be heard before the appointing authority upon written~~ 787
~~charges initiated by the appointing authority or board of~~ 788
~~trustees, but no removal shall be made for political reasons.~~ 789

~~(G) Such~~ A board of county hospital trustees shall hold 790
meetings at least once a month, shall adopt necessary rules of 791
procedure, and shall keep a record of its proceedings and a strict 792
account of all its receipts, disbursements, and expenditures; ~~and~~ 793
~~upon.~~ On completion of the construction and equipping of a county 794
hospital ~~such, the~~ board shall file such account with the board of 795
county commissioners and make final settlement with ~~such the~~ board 796
of county commissioners for the construction and equipping of the 797
hospital. 798

Sec. 339.03. The board of county hospital trustees shall have 799
complete charge of the selection and purchase or lease of a site 800
or sites for a county hospital, taking title or leasehold interest 801
to such site or sites in the name of the county, the selection of 802
plans and specifications, the determination and erection of all 803
necessary buildings on such site or sites, and of the selection 804
and installation of all necessary and proper furniture, fixtures, 805
and equipment. ~~The~~ 806

The board of county hospital trustees may make capital 807
improvements, including the purchase of equipment and vehicles, 808
and may finance such improvements through hospital revenues or 809
other hospital funds. ~~The~~ 810

The board of county hospital trustees may issue revenue 811
obligations, pursuant to section 140.06 or 339.15 of the Revised 812
Code, or revenue bonds pursuant to section 133.08 of the Revised 813
Code. 814

A The board of county hospital trustees may construct an 815
addition to the county hospital, acquire an existing structure for 816
the purpose of leasing office space to local physicians, or lease 817
real property to any person to construct facilities for providing 818
medical services other than inpatient hospital services if the 819
board of county hospital trustees determines that such purpose is 820
reasonably related to the proper operation of the county hospital. 821

~~The trustees shall serve without compensation, but shall be 822
allowed their necessary and reasonable expenses incurred in the 823
performance of their duties, including the cost of their 824
participation in such continuing education programs or 825
developmental programs as the trustees consider necessary. Such 826
expenses shall be paid out of the funds provided for such 827
hospital.~~ 828

~~The board of county hospital trustees may retain counsel and
institute legal action in its own name for the collection of
delinquent accounts. The board may also employ any other lawful
means for the collection of delinquent accounts.~~

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

(B) The board of county hospital trustees shall have the
entire management and control of the county hospital, and. The
board shall establish such rules for its the hospital's government
and the admission of persons as are expedient.

(C) The board of county hospital trustees has control of the
property of the county hospital, including management and disposal
of surplus property other than real estate or an interest in real
estate, and.

(D) With respect to the use of funds by the board of county
hospital trustees and its accounting for the use of funds, all of
the following apply:

(1) The board of county hospital trustees has control of all
funds used in the county 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

(2) Of the funds used in the county hospital's operation, all
or part of the moneys any amount determined not to be necessary to
meet current demands on the hospital may be invested by the board
of county hospital trustees or its designee in any classifications

of securities and obligations eligible for deposit or investment 859
of county moneys pursuant to section 135.35 of the Revised Code, 860
subject to the approval of the board's written investment policy 861
by the county investment advisory committee established pursuant 862
to section 135.341 of the Revised Code. 863

~~(B)(3) Annually by the first day of November, not later than 864
sixty days before the end of the fiscal year used by the county 865
hospital, the board of county hospital trustees shall submit its 866
proposed budget for the ensuing fiscal year to the board of county 867
commissioners for approval, and the that board's review. The board 868
of county commissioners shall review and approve a the proposed 869
budget for the county hospital by the first day of December the 870
fiscal year to which the budget applies. If the board of county 871
commissioners has not approved the budget by the first day of the 872
fiscal year to which the budget applies, the budget is deemed to 873
have been approved by the board on the first day of that fiscal 874
year. 875~~

(4) The board of county hospital trustees shall not expend 876
funds received from taxes collected pursuant to any tax levied 877
under section 5705.22 of the Revised Code or the amount 878
appropriated to the county hospital by the board of county 879
commissioners in the annual appropriation measure for the county 880
for the ensuing fiscal year differ from the amount shown in the 881
approved budget, the board of county commissioners may require the 882
board of county hospital trustees to revise the hospital budget 883
accordingly. The board of trustees shall not expend such funds 884
until its budget for that calendar the applicable fiscal year is 885
submitted to and approved by the board of county commissioners in 886
accordance with division (C)(3) of this section. At any time the 887
amount received from those sources differs from the amount shown 888
in the approved budget, the board of county commissioners may 889
require the board of county hospital trustees to revise the county 890

hospital budget accordingly. ~~Thereafter such funds~~ 891

(5) Funds under the control of the board of county hospital 892
trustees may be disbursed by the board ~~of county hospital~~ 893
~~trustees~~, consistent with the approved budget, for the uses and 894
purposes of ~~such the county~~ hospital; for the replacement of 895
necessary equipment; for the acquisition, leasing, or construction 896
of permanent improvements to county hospital property; or for 897
making a donation authorized by division ~~(C)~~(E) of this section. 898
Each disbursement of funds shall be made on a voucher signed by 899
signatories designated and approved by the board of county 900
hospital trustees. 901

(6) The head of a board of county hospital trustees is not 902
required to file an estimate of contemplated revenue and 903
expenditures for the ensuing fiscal year under section 5705.28 of 904
the Revised Code unless the board of county commissioners levies a 905
tax for the county hospital, or such a tax is proposed, or the 906
board of county hospital trustees desires that the board of county 907
commissioners make an appropriation to the county hospital for the 908
ensuing fiscal year. 909

(7) All moneys appropriated by the board of county 910
commissioners or from special levies by the board of county 911
commissioners for the operation of the hospital, when collected 912
shall be paid to the board of county hospital trustees on a 913
warrant of the county auditor and approved by the board of county 914
commissioners. ~~The~~ 915

(8) The board of county hospital trustees shall provide for 916
the conduct of an annual financial audit of the county hospital. 917
Not later than thirty days after it receives the final report of 918
an annual financial audit, the board shall file an annual a copy 919
of the report of revenues and expenditures for the fiscal year 920
with the board of county commissioners ~~within ninety days after~~ 921
~~the fiscal year's end.~~ 922

~~(C)~~(E) For the public purpose of improving the health, 923
safety, and general welfare of the community, the board of county 924
hospital trustees may donate to a nonprofit entity any of the 925
following: 926

(1) Moneys and other financial assets determined not to be 927
necessary to meet current demands on the hospital; 928

(2) Surplus hospital property, including supplies, equipment, 929
office facilities, and other property that is not real estate or 930
an interest in real estate; 931

(3) Services rendered by the hospital. 932

~~(D)~~(F)(1) For purposes of ~~this~~ division (F)(2) of this 933
section: 934

(a) "Bank" has the same meaning as in section 1101.01 of the 935
Revised Code. 936

(b) "Savings and loan association" has the same meaning as in 937
section 1151.01 of the Revised Code. 938

(c) "Savings bank" has the same meaning as in section 1161.01 939
of the Revised Code. 940

(2) The board of county hospital trustees may enter into a 941
contract for a secured line of credit with a bank, savings and 942
loan association, or savings bank if the contract meets all of the 943
following requirements: 944

(a) The term of the contract does not exceed one year, except 945
that the contract may provide for the automatic renewal of the 946
contract for up to four additional one-year periods if, on the 947
date of automatic renewal, the aggregate outstanding draws 948
remaining unpaid under the secured line of credit do not exceed 949
fifty per cent of the maximum amount that can be drawn under the 950
secured line of credit. 951

(b) The contract provides that the bank, savings and loan 952

association, or savings bank shall not commence a civil action 953
against the board of county commissioners, any member of the 954
board, or the county to recover the principal, interest, or any 955
charges or other amounts that remain outstanding on the secured 956
line of credit at the time of any default by the board of county 957
hospital trustees. 958

(c) The contract provides that no assets other than those of 959
the county hospital can be used to secure the line of credit. 960

(d) The terms and conditions of the contract comply with all 961
state and federal statutes and rules governing the extension of a 962
secured line of credit. 963

(3) Any obligation incurred by a board of county hospital 964
trustees under ~~this~~ division (F)(2) of this section is an 965
obligation of that board only and not a general obligation of the 966
board of county commissioners or the county within the meaning of 967
division (Q) of section 133.01 of the Revised Code. 968

(4) Notwithstanding anything to the contrary in the Revised 969
Code, the board of county hospital trustees may secure the line of 970
credit authorized under division (F)(2) of this section by the 971
grant of a security interest in any part or all of its tangible 972
personal property and intangible personal property, including its 973
deposit accounts, accounts receivable, or both. 974

(5) No board of county hospital trustees shall at any time 975
have more than one secured line of credit under division (F)(2) of 976
this section. 977

~~(E)~~(G) The board of county hospital trustees shall establish 978
a schedule of charges for all services and treatment rendered by 979
the county hospital. It may provide for the free treatment in ~~such~~ 980
the hospital of soldiers, sailors, and marines of the county, 981
under such conditions and rules as it prescribes. 982

~~(F)~~(H) The board of county hospital trustees may designate 983
the amounts and forms of insurance protection to be provided, and 984
the board of county commissioners shall assist in obtaining such 985
protection. The expense of providing the protection shall be paid 986
from hospital operating funds. 987

~~(G)~~(I) The board of county hospital trustees may authorize a 988
county hospital and each of its units, hospital board members, 989
designated hospital employees, and medical staff members to be a 990
member of and maintain membership in any local, state, or national 991
group or association organized and operated for the promotion of 992
the public health and welfare or advancement of the efficiency of 993
hospital administration and in connection therewith to use tax 994
funds for the payment of dues and fees and related expenses but 995
nothing in this section prohibits the board from using receipts 996
from hospital operation, other than tax funds, for the payment of 997
such dues and fees. 998

~~(H)~~(J) The following apply to the board of county hospital 999
trustees, in relation to its employees, and the employees of the 1000
county hospital: 1001

(1) The board shall adopt the wage and salary schedule for 1002
employees. 1003

(2) The board may employ the hospital's administrator 1004
pursuant to section 339.07 of the Revised Code, and the 1005
administrator may employ individuals for the hospital in 1006
accordance with that section. 1007

(3) The board may employ assistants as necessary to perform 1008
its clerical work, superintend properly the construction of the 1009
county hospital, and pay the hospital's expenses. Such employees 1010
may be paid from funds provided for the county hospital. 1011

(4) The board may hire, by contract or as salaried employees, 1012
such management consultants, accountants, attorneys, engineers, 1013

architects, construction managers, and other professional advisors 1014
as it determines are necessary and desirable to assist in the 1015
management of the programs and operation of the county hospital. 1016
Such professional advisors may be paid from county hospital 1017
operating funds. 1018

(5) Notwithstanding section 325.19 of the Revised Code, the 1019
board ~~of county hospital trustees~~ may grant to employees any 1020
fringe benefits the board determines to be customary and usual in 1021
the nonprofit hospital field in its community, including, but not 1022
limited to: 1023

(a) Additional vacation leave with full pay for full-time 1024
employees, including full-time hourly rate employees, after 1025
service of one year; 1026

(b) Vacation leave and holiday pay for part-time employees on 1027
a pro rata basis; 1028

(c) Leave with full pay due to death in the employee's 1029
immediate family, which shall not be deducted from the employee's 1030
accumulated sick leave; 1031

(d) Premium pay for working on holidays listed in section 1032
325.19 of the Revised Code; 1033

(e) Moving expenses for new employees; 1034

(f) Discounts on hospital supplies and services. 1035

(6) The board may provide holiday leave by observing Martin 1036
Luther King day, Washington-Lincoln day, Columbus day, and 1037
Veterans' day on days other than those specified in section 1.14 1038
of the Revised Code. 1039

(7) The board may grant to employees the insurance benefits 1040
authorized by section 339.16 of the Revised Code. 1041

(8) Notwithstanding section 325.19 of the Revised Code, the 1042
board may grant to employees, including hourly rate employees, 1043

such personal holidays as the board determines to be customary and usual in the hospital field in its community. 1044
1045

(9) The board ~~of county hospital trustees~~ may provide employee recognition awards and hold employee recognition dinners. 1046
1047

(10) The board may grant to employees the recruitment and retention benefits specified under division ~~(I)~~(K) of this section. 1048
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~~(I)~~(K) 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. 1051
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The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners. 1058
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(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. 1061
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Sec. 339.09. When the county hospital has been fully completed and sufficiently equipped for occupancy, in lieu of sections 339.06 to 339.08 of the Revised Code, the board of county commissioners of any county, on adoption of a resolution under section 339.091 of the Revised Code ~~and approval by the vote of a majority of the electors pursuant to section 339.092 of the Revised Code~~, may, upon such terms as are agreed upon between the board and a constituted and empowered nonsectarian Ohio corporation, organized for charitable purposes and not for profit, 1065
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a majority of whose members reside in the county, enter into an 1074
agreement to lease for use as a hospital or hospital facilities, 1075
the lands, the buildings, and equipment of any hospital owned by 1076
said county. Such lease may be from year to year or may provide 1077
for a term of not more than thirty years and may provide that such 1078
board has the option to renew such lease at the expiration thereof 1079
for a further term of not more than thirty years upon such terms 1080
as are provided for in such lease. In the event that said 1081
nonprofit corporation fails to faithfully and efficiently 1082
administer, maintain, and operate such hospital as a public 1083
hospital, admitting patients without regard to race, creed, or 1084
color, then, after an opportunity is given to be heard upon 1085
written charges, said agreement shall terminate and the control 1086
and management of said hospital, together with all additions, 1087
improvements, and equipment, shall revert to and become the 1088
property of the county to be operated as provided by law. 1089

Sec. 339.091. Before the board of county commissioners, board 1090
of county hospital trustees, or county hospital commission may 1091
enter into an initial agreement for the acquisition, operation, or 1092
lease under section 140.03, 140.05, 339.09, or 339.14 of the 1093
Revised Code of a county hospital operated by a board of county 1094
hospital trustees under section 339.06 of the Revised Code, the 1095
board of county commissioners shall review the agreement. If it 1096
finds that the agreement will meet the needs of the residents of 1097
the county for hospital service, the board of county commissioners 1098
may adopt a resolution authorizing the board of county 1099
commissioners, board of county hospital trustees, or county 1100
hospital commission to enter into the agreement; ~~however,~~ 1101
~~authorization to enter into the agreement shall become effective~~ 1102
~~only if approved by the electors of the county pursuant to section~~ 1103
~~339.092 of the Revised Code. This~~ On adoption of the resolution, 1104
the board of county commissioners, board of county hospital 1105

trustees, or county hospital commission may enter into the 1106
agreement. 1107

The requirements of this section and section 339.092 of the 1108
~~Revised Code~~ do not apply to an agreement if one or more hospitals 1109
classified as general hospitals by the public health council under 1110
section 3701.07 of the Revised Code are operating in the same 1111
county as the county hospital. 1112

Sec. 339.14. (A) Upon application to the board of county 1113
commissioners by an Ohio corporation or corporations, organized 1114
for charitable hospital purposes and not for profit, in this 1115
section called participating hospital corporations, the board of 1116
county commissioners may, after a determination that the 1117
preservation of the public health requires additional hospital 1118
facilities in the county, appoint a hospital commission of not 1119
less than three members, in this section called the county 1120
hospital commission. Not less than three members of such 1121
commission shall be appointed to represent the public, and there 1122
shall be appointed to the commission one additional member for 1123
each participating hospital corporation, and there may be 1124
appointed to the commission one additional member for each 1125
nonparticipating charitable hospital corporation in the county and 1126
one or more members for any joint township hospital district 1127
participating under an agreement pursuant to section 513.081 of 1128
the Revised Code. All members representing the county and hospital 1129
corporations shall be electors of the county. All members shall 1130
serve without compensation. Of the first three public members 1131
appointed to the commission one shall be appointed for a term of 1132
two years, one for a term of four years, and one for a term of six 1133
years. Thereafter, such public members shall be appointed for a 1134
term of six years as shall be any additional public members. 1135
Members representing participating and nonparticipating hospital 1136
corporations shall be appointed for a term of six years. Vacancies 1137

shall be filled by appointment by the board of county 1138
commissioners for the unexpired term. 1139

(B) The county hospital commission after consultation with 1140
participating hospital corporations and agreement as to their 1141
respective needs and the needs of the public of the county for 1142
hospital service may, with the consent of the board of county 1143
commissioners, accept conveyances of real estate and interests in 1144
real estate, situated within the county, from any person and may, 1145
on adoption of a resolution by the board of county commissioners 1146
pursuant to section 339.091 of the Revised Code ~~and approval by~~ 1147
~~the electors pursuant to section 339.092 of the Revised Code,~~ 1148
enter into an agreement before or after such conveyance with such 1149
person or with one or more Ohio corporations organized for 1150
charitable hospital purposes or nonprofit corporation organized to 1151
provide services to corporations organized for charitable hospital 1152
purposes, to lease to such corporation or corporations upon such 1153
terms as may be agreed upon such real estate together with 1154
improvements thereof and buildings thereafter constructed thereon 1155
and furniture, fixtures, and equipment therein for use as a 1156
general hospital or a hospital facility, the lease shall be for a 1157
period not to exceed fifty years, renewable for a like term and 1158
may contain provisions for the sale of such property to the lessee 1159
upon the unanimous consent of the board of county commissioners 1160
for a purchase price representing not less than the actual cost to 1161
the county, less depreciation, computed at the rate customarily 1162
applied to similar structures; or such general hospital or 1163
hospital facilities may be leased pursuant to and upon terms as 1164
provided pursuant to section 140.05 of the Revised Code, or the 1165
commission may enter into agreements with respect thereto as 1166
provided in section 140.03 of the Revised Code, notwithstanding 1167
other provisions of this section. 1168

(C) If the land conveyed under division (B) of this section 1169

is adjacent to an existing hospital, the county hospital 1170
commission may, at the time of the acceptance of the conveyance or 1171
the leasing of the proposed hospital facilities, enter into an 1172
agreement with the owner of such existing hospital for the use of 1173
common walls in the construction of the county hospital, or 1174
hospital facilities or rights and interests may be acquired as 1175
provided in division (F) of section 140.05 of the Revised Code. 1176

(D) The county hospital commission may take all steps 1177
necessary for the acquisition or construction, equipment, 1178
enlarging, rebuilding, or other improvement, of hospital 1179
facilities and may request the board of county commissioners to 1180
submit to the electors of the county, in the manner provided in 1181
Chapter 133. of the Revised Code, a bond issue to cover the costs 1182
of hospital facilities, as defined in section 140.01 of the 1183
Revised Code. 1184

(E) If a bond issue provided for above is approved by the 1185
vote of a majority of the electors voting on the issue, the board 1186
of elections for such county shall certify the results of such 1187
election as provided in section 133.18 of the Revised Code, and 1188
the board of county commissioners shall proceed with the 1189
authorization and issuance of the bonds or notes in anticipation 1190
thereof, in the manner provided in Chapter 133. of the Revised 1191
Code for the issuance of bonds and notes by boards of county 1192
commissioners. 1193

(F) The county hospital commission shall take title in the 1194
name of the county to any land conveyed pursuant to this section, 1195
and shall have final approval of all plans and specifications for 1196
the erection and equipping of the hospital facilities contemplated 1197
in this section. The commission may employ architects and such 1198
other assistants as may be required in the construction, including 1199
supervision, and pay the expenses thereof out of the funds 1200
provided for such hospital facilities. 1201

(G) All funds arising from a bond issue pursuant to this 1202
section shall be placed in the county treasury to the credit of a 1203
fund to be known as the "county hospital facility fund." Such fund 1204
shall be paid out on the order of the county hospital commission, 1205
certified by the ~~chairman~~ chairperson or ~~vice-chairman~~ 1206
vice-chairperson and secretary or assistant secretary of the 1207
commission. 1208

(H) Before making a contract for the expenditure of money on 1209
any structure in excess of one thousand dollars, the county 1210
hospital commission shall advertise for bids in accordance with 1211
section 307.87 of the Revised Code and shall cause plans, 1212
specifications, and detailed drawings to be distributed among the 1213
bidders. 1214

(I) The county hospital commission has continuing 1215
jurisdiction of the hospital facilities constructed under this 1216
section provided that the lessee corporation shall be solely 1217
responsible for the administration, maintenance, and operation of 1218
the leased facilities including the selection of personnel. In the 1219
event the lessee corporation fails to administer, maintain, and 1220
operate the leased hospital facilities as a public general 1221
hospital or hospital facility, in accordance with the terms of the 1222
agreement, admitting patients without regard to race, creed, or 1223
color, then, after an opportunity is given by the county hospital 1224
commission to be heard on written charges, the lease shall be 1225
terminated by the county hospital commission, with the consent of 1226
the board of county commissioners, and the control and management 1227
of the hospital facilities together with all additions and 1228
equipment shall revert to the county to be operated as provided by 1229
law. 1230

(J) The hospital facilities, including furniture, fixtures, 1231
and equipment therein, constructed under this section are exempt 1232
from taxation. 1233

(K) Upon request of the county hospital commission, the board
of county commissioners may issue unvoted bonds or notes in
anticipation thereof in the manner provided in Chapter 133. of the
Revised Code to pay costs of hospital facilities as defined in
section 140.01 of the Revised Code. The bonds and notes authorized
by this division shall be issuable only after there has been
entered into a lease, pursuant to this section or section 140.05
of the Revised Code, of the hospital facilities to be financed
thereby providing for rental payments which, together with rentals
payable under any prior lease available therefor, shall be at
least sufficient, as to amounts and times of payment, to provide
funds necessary to cover interest charges on all bonds authorized
under this division and to provide a sufficient amount for
retirement or sinking fund to retire such bonds as they become
due. Such bonds and notes shall not be considered in ascertaining
the limitations on net indebtedness of section 133.07 of the
Revised Code. No amendment of such lease shall have the effect of
reducing the rental payments below the amount required to meet
such interest and bond retirement requirements.

Sec. 339.16. (A) A board of trustees of any county hospital
may contract for, purchase, or otherwise procure on behalf of any
or all of its employees, the employees of the hospital, or such
employees and their immediate dependents the following types of
fringe benefits:

~~(A)(1)~~ Group or individual insurance contracts which may
include life, sickness, accident, disability, annuities,
endowment, health, medical expense, hospital, dental, surgical and
related coverage or any combination thereof;

~~(B)(2)~~ Group or individual contracts with health insuring
corporations or other providers of professional services, care, or
benefits duly authorized to do business in this state.

(B) A board of trustees of any county hospital may contract 1265
for, purchase, or otherwise procure insurance contracts which 1266
provide protection for the trustees, the board's employees, and 1267
the employees of the hospital against liability, including 1268
professional liability, provided that this section or any 1269
insurance contract issued pursuant to this section shall not be 1270
construed as a waiver of or in any manner affect the immunity of 1271
the hospital or county. 1272

(C) All or any portion of the cost, premium, fees, or charges 1273
~~therefor~~ for the insurance benefits specified in divisions (A) and 1274
(B) of this section may be paid in such manner or combination of 1275
matters as the board of trustees may determine, including direct 1276
payment by ~~the~~ an employee, and, if authorized in writing by ~~the~~ 1277
an employee, by the board of trustees with moneys made available 1278
by deduction from or reduction in salary or wages or by the 1279
foregoing of a salary or wage increase. 1280

Notwithstanding sections 3917.01 and 3917.06 of the Revised 1281
Code, the board of trustees may purchase group life insurance 1282
authorized by this section by reason of payment of premiums 1283
therefor by the board of trustees from its funds, and such group 1284
life insurance may be issued and purchased if otherwise consistent 1285
with sections 3917.01 to 3917.06 of the Revised Code. 1286

Sec. 339.17. (A) Sections 140.03 and 140.05 of the Revised 1287
Code are alternatives to sections 339.02 to 339.13 of the Revised 1288
Code. Sections 339.02 to 339.14 of the Revised Code are not 1289
applicable with respect to hospital facilities and services 1290
provided for under leases or agreements entered into pursuant to 1291
section 140.03 or 140.05 of the Revised Code, except to the extent 1292
made applicable by section 140.03 or 140.05 of the Revised Code 1293
and the leases and agreements made thereunder. 1294

(B) Notwithstanding division (A) of this section, the 1295

requirements of ~~sections~~ section 339.091 and ~~339.092~~ of the 1296
Revised Code apply to an initial agreement with a board of county 1297
commissioners, board of county hospital trustees, or county 1298
hospital commission for the acquisition, operation, or lease of a 1299
county hospital operated by a board of county hospital trustees 1300
under section 339.06 of the Revised Code, entered into pursuant to 1301
section 140.03 or 140.05 of the Revised Code, but not to any 1302
amendment or renewal of such agreement. 1303

Sec. 1347.12. (A) As used in this section: 1304

(1) "Agency of a political subdivision" means each organized 1305
body, office, or agency established by a political subdivision for 1306
the exercise of any function of the political subdivision, except 1307
that "agency of a political subdivision" does not include an 1308
agency that is a covered entity as defined in 45 C.F.R. 160.103, 1309
as amended. 1310

(2)(a) "Breach of the security of the system" means 1311
unauthorized access to and acquisition of computerized data that 1312
compromises the security or confidentiality of personal 1313
information owned or licensed by a state agency or an agency of a 1314
political subdivision and that causes, reasonably is believed to 1315
have caused, or reasonably is believed will cause a material risk 1316
of identity theft or other fraud to the person or property of a 1317
resident of this state. 1318

(b) For purposes of division (A)(2)(a) of this section: 1319

(i) Good faith acquisition of personal information by an 1320
employee or agent of the state agency or agency of the political 1321
subdivision for the purposes of the agency is not a breach of the 1322
security of the system, provided that the personal information is 1323
not used for an unlawful purpose or subject to further 1324
unauthorized disclosure. 1325

(ii) Acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant to a subpoena, order, or duty of a regulatory state agency, is not a breach of the security of the system.

(3) "Consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide:

(a) Public record information;

(b) Credit account information from persons who furnish that information regularly and in the ordinary course of business.

(4) "Encryption" means the use of an algorithmic process to transform data into a form in which there is a low probability of assigning meaning without use of a confidential process or key.

(5) "Individual" means a natural person.

(6)(a) "Personal information" means, notwithstanding section 1347.01 of the Revised Code, an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one or more of the following data elements, when the data elements are not encrypted, redacted, or altered by any method or technology in such a manner that the data elements are unreadable:

(i) Social security number;

(ii) Driver's license number or state identification card number;

(iii) Account number or credit or debit card number, in combination with and linked to any required security code, access

code, or password that would permit access to an individual's 1356
financial account. 1357

(b) "Personal information" does not include publicly 1358
available information that is lawfully made available to the 1359
general public from federal, state, or local government records or 1360
any of the following media that are widely distributed: 1361

(i) Any news, editorial, or advertising statement published 1362
in any bona fide newspaper, journal, or magazine, or broadcast 1363
over radio or television; 1364

(ii) Any gathering or furnishing of information or news by 1365
any bona fide reporter, correspondent, or news bureau to news 1366
media described in division (A)(6)(b)(i) of this section; 1367

(iii) Any publication designed for and distributed to members 1368
of any bona fide association or charitable or fraternal nonprofit 1369
corporation; 1370

(iv) Any type of media similar in nature to any item, entity, 1371
or activity identified in division (A)(6)(b)(i), (ii), or (iii) of 1372
this section. 1373

(7) "Political subdivision" has the same meaning as in 1374
section 2744.01 of the Revised Code. 1375

(8) "Record" means any information that is stored in an 1376
electronic medium and is retrievable in perceivable form. "Record" 1377
does not include any publicly available directory containing 1378
information an individual voluntarily has consented to have 1379
publicly disseminated or listed, such as name, address, or 1380
telephone number. 1381

(9) "Redacted" means altered or truncated so that no more 1382
than the last four digits of a social security number, driver's 1383
license number, state identification card number, account number, 1384
or credit or debit card number is accessible as part of the data. 1385

(10) "State agency" has the same meaning as in section 1.60 1386
of the Revised Code, except that "state agency" does not include 1387
an agency that is a covered entity as defined in 45 C.F.R. 1388
160.103, as amended. 1389

(11) "System" means, notwithstanding section 1347.01 of the 1390
Revised Code, any collection or group of related records that are 1391
kept in an organized manner, that are maintained by a state agency 1392
or an agency of a political subdivision, and from which personal 1393
information is retrieved by the name of the individual or by some 1394
identifying number, symbol, or other identifier assigned to the 1395
individual. "System" does not include any collected archival 1396
records in the custody of or administered under the authority of 1397
the Ohio historical society, any published directory, any 1398
reference material or newsletter, or any routine information that 1399
is maintained for the purpose of internal office administration of 1400
the agency, if the use of the directory, material, newsletter, or 1401
information would not adversely affect an individual and if there 1402
has been no unauthorized external breach of the directory, 1403
material, newsletter, or information. 1404

(B)(1) Any state agency or agency of a political subdivision 1405
that owns or licenses computerized data that includes personal 1406
information shall disclose any breach of the security of the 1407
system, following its discovery or notification of the breach of 1408
the security of the system, to any resident of this state whose 1409
personal information was, or reasonably is believed to have been, 1410
accessed and acquired by an unauthorized person if the access and 1411
acquisition by the unauthorized person causes or reasonably is 1412
believed will cause a material risk of identity theft or other 1413
fraud to the resident. The disclosure described in this division 1414
may be made pursuant to any provision of a contract entered into 1415
by the state agency or agency of a political subdivision with any 1416
person or another state agency or agency of a political 1417

subdivision prior to the date the breach of the security of the 1418
system occurred if that contract does not conflict with any 1419
provision of this section. For purposes of this section, a 1420
resident of this state is an individual whose principal mailing 1421
address as reflected in the records of the state agency or agency 1422
of a political subdivision is in this state. 1423

(2) The state agency or agency of a political subdivision 1424
shall make the disclosure described in division (B)(1) of this 1425
section in the most expedient time possible but not later than 1426
forty-five days following its discovery or notification of the 1427
breach in the security of the system, subject to the legitimate 1428
needs of law enforcement activities described in division (D) of 1429
this section and consistent with any measures necessary to 1430
determine the scope of the breach, including which residents' 1431
personal information was accessed and acquired, and to restore the 1432
reasonable integrity of the data system. 1433

(C) Any state agency or agency of a political subdivision 1434
that, on behalf of or at the direction of another state agency or 1435
agency of a political subdivision, is the custodian of or stores 1436
computerized data that includes personal information shall notify 1437
that other state agency or agency of a political subdivision of 1438
any breach of the security of the system in an expeditious manner, 1439
if the personal information was, or reasonably is believed to have 1440
been, accessed and acquired by an unauthorized person and if the 1441
access and acquisition by the unauthorized person causes or 1442
reasonably is believed will cause a material risk of identity 1443
theft or other fraud to a resident of this state. 1444

(D) The state agency or agency of a political subdivision may 1445
delay the disclosure or notification required by division (B), 1446
(C), or (F) of this section if a law enforcement agency determines 1447
that the disclosure or notification will impede a criminal 1448
investigation or jeopardize homeland or national security, in 1449

which case, the state agency or agency of a political subdivision 1450
shall make the disclosure or notification after the law 1451
enforcement agency determines that disclosure or notification will 1452
not compromise the investigation or jeopardize homeland or 1453
national security. 1454

(E) For purposes of this section, a state agency or agency of 1455
a political subdivision may disclose or make a notification by any 1456
of the following methods: 1457

(1) Written notice; 1458

(2) Electronic notice, if the state agency's or agency of a 1459
political subdivision's primary method of communication with the 1460
resident to whom the disclosure must be made is by electronic 1461
means; 1462

(3) Telephone notice; 1463

(4) Substitute notice in accordance with this division, if 1464
the state agency or agency of a political subdivision required to 1465
disclose demonstrates that the agency does not have sufficient 1466
contact information to provide notice in a manner described in 1467
division (E)(1), (2), or (3) of this section, or that the cost of 1468
providing disclosure or notice to residents to whom disclosure or 1469
notification is required would exceed two hundred fifty thousand 1470
dollars, or that the affected class of subject residents to whom 1471
disclosure or notification is required exceeds five hundred 1472
thousand persons. Substitute notice under this division shall 1473
consist of all of the following: 1474

(a) Electronic mail notice if the state agency or agency of a 1475
political subdivision has an electronic mail address for the 1476
resident to whom the disclosure must be made; 1477

(b) Conspicuous posting of the disclosure or notice on the 1478
state agency's or agency of a political subdivision's web site, if 1479

the agency maintains one; 1480

(c) Notification to major media outlets, to the extent that 1481
the cumulative total of the readership, viewing audience, or 1482
listening audience of all of the outlets so notified equals or 1483
exceeds seventy-five per cent of the population of this state. 1484

(5) Substitute notice in accordance with this division, if 1485
the state agency or agency of a political subdivision required to 1486
disclose demonstrates that the agency has ten employees or fewer 1487
and that the cost of providing the disclosures or notices to 1488
residents to whom disclosure or notification is required will 1489
exceed ten thousand dollars. Substitute notice under this division 1490
shall consist of all of the following: 1491

(a) Notification by a paid advertisement in a local newspaper 1492
that is distributed in the geographic area in which the state 1493
agency or agency of a political subdivision is located, which 1494
advertisement shall be of sufficient size that it covers at least 1495
one-quarter of a page in the newspaper and shall be published in 1496
the newspaper at least once a week for three consecutive weeks; 1497

(b) Conspicuous posting of the disclosure or notice on the 1498
state agency's or agency of a political subdivision's web site, if 1499
the agency maintains one; 1500

(c) Notification to major media outlets in the geographic 1501
area in which the state agency or agency of a political 1502
subdivision is located. 1503

(F) If a state agency or agency of a political subdivision 1504
discovers circumstances that require disclosure under this section 1505
to more than one thousand residents of this state involved in a 1506
single occurrence of a breach of the security of the system, the 1507
state agency or agency of a political subdivision shall notify, 1508
without unreasonable delay, all consumer reporting agencies that 1509
compile and maintain files on consumers on a nationwide basis of 1510

the timing, distribution, and content of the disclosure given by 1511
the state agency or agency of a political subdivision to the 1512
residents of this state. In no case shall a state agency or agency 1513
of a political subdivision that is required to make a notification 1514
required by this division delay any disclosure or notification 1515
required by division (B) or (C) of this section in order to make 1516
the notification required by this division. 1517

(G) The attorney general, pursuant to sections 1349.191 and 1518
1349.192 of the Revised Code, may conduct an investigation and 1519
bring a civil action upon an alleged failure by a state agency or 1520
agency of a political subdivision to comply with the requirements 1521
of this section. 1522

Sec. 1349.19. (A) As used in this section: 1523

(1)(a) "Breach of the security of the system" means 1524
unauthorized access to and acquisition of computerized data that 1525
compromises the security or confidentiality of personal 1526
information owned or licensed by a person and that causes, 1527
reasonably is believed to have caused, or reasonably is believed 1528
will cause a material risk of identity theft or other fraud to the 1529
person or property of a resident of this state. 1530

(b) For purposes of division (A)(1)(a) of this section: 1531

(i) Good faith acquisition of personal information by an 1532
employee or agent of the person for the purposes of the person is 1533
not a breach of the security of the system, provided that the 1534
personal information is not used for an unlawful purpose or 1535
subject to further unauthorized disclosure. 1536

(ii) Acquisition of personal information pursuant to a search 1537
warrant, subpoena, or other court order, or pursuant to a 1538
subpoena, order, or duty of a regulatory state agency, is not a 1539
breach of the security of the system. 1540

(2) "Business entity" means a sole proprietorship, 1541
partnership, corporation, association, or other group, however 1542
organized and whether operating for profit or not for profit, 1543
including a financial institution organized, chartered, or holding 1544
a license authorizing operation under the laws of this state, any 1545
other state, the United States, or any other country, or the 1546
parent or subsidiary of a financial institution. 1547

(3) "Consumer reporting agency that compiles and maintains 1548
files on consumers on a nationwide basis" means a consumer 1549
reporting agency that regularly engages in the practice of 1550
assembling or evaluating, and maintaining, for the purpose of 1551
furnishing consumer reports to third parties bearing on a 1552
consumer's creditworthiness, credit standing, or credit capacity, 1553
each of the following regarding consumers residing nationwide: 1554

(a) Public record information; 1555

(b) Credit account information from persons who furnish that 1556
information regularly and in the ordinary course of business. 1557

(4) "Encryption" means the use of an algorithmic process to 1558
transform data into a form in which there is a low probability of 1559
assigning meaning without use of a confidential process or key. 1560

(5) "Individual" means a natural person. 1561

(6) "Person" has the same meaning as in section 1.59 of the 1562
Revised Code, except that "person" includes a business entity only 1563
if the business entity conducts business in this state. 1564

(7)(a) "Personal information" means an individual's name, 1565
consisting of the individual's first name or first initial and 1566
last name, in combination with and linked to any one or more of 1567
the following data elements, when the data elements are not 1568
encrypted, redacted, or altered by any method or technology in 1569
such a manner that the data elements are unreadable: 1570

(i) Social security number;	1571
(ii) Driver's license number or state identification card number;	1572 1573
(iii) Account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account.	1574 1575 1576 1577
(b) "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or any of the following media that are widely distributed:	1578 1579 1580 1581
(i) Any news, editorial, or advertising statement published in any bona fide newspaper, journal, or magazine, or broadcast over radio or television;	1582 1583 1584
(ii) Any gathering or furnishing of information or news by any bona fide reporter, correspondent, or news bureau to news media described in division (A)(7)(b)(i) of this section;	1585 1586 1587
(iii) Any publication designed for and distributed to members of any bona fide association or charitable or fraternal nonprofit corporation;	1588 1589 1590
(iv) Any type of media similar in nature to any item, entity, or activity identified in division (A)(7)(b)(i), (ii), or (iii) of this section.	1591 1592 1593
(8) "Record" means any information that is stored in an electronic medium and is retrievable in perceivable form. "Record" does not include any publicly available directory containing information an individual voluntarily has consented to have publicly disseminated or listed, such as name, address, or telephone number.	1594 1595 1596 1597 1598 1599
(9) "Redacted" means altered or truncated so that no more	1600

than the last four digits of a social security number, driver's
license number, state identification card number, account number,
or credit or debit card number is accessible as part of the data.

(10) "System" means any collection or group of related
records that are kept in an organized manner, that are maintained
by a person, and from which personal information is retrieved by
the name of the individual or by some identifying number, symbol,
or other identifier assigned to the individual. "System" does not
include any published directory, any reference material or
newsletter, or any routine information that is maintained for the
purpose of internal office administration of the person, if the
use of the directory, material, newsletter, or information would
not adversely affect an individual, and there has been no
unauthorized external breach of the directory, material,
newsletter, or information.

(B)(1) Any person that owns or licenses computerized data
that includes personal information shall disclose any breach of
the security of the system, following its discovery or
notification of the breach of the security of the system, to any
resident of this state whose personal information was, or
reasonably is believed to have been, accessed and acquired by an
unauthorized person if the access and acquisition by the
unauthorized person causes or reasonably is believed will cause a
material risk of identity theft or other fraud to the resident.
The disclosure described in this division may be made pursuant to
any provision of a contract entered into by the person with
another person prior to the date the breach of the security of the
system occurred if that contract does not conflict with any
provision of this section and does not waive any provision of this
section. For purposes of this section, a resident of this state is
an individual whose principal mailing address as reflected in the
records of the person is in this state.

(2) The person shall make the disclosure described in 1633
division (B)(1) of this section in the most expedient time 1634
possible but not later than forty-five days following its 1635
discovery or notification of the breach in the security of the 1636
system, subject to the legitimate needs of law enforcement 1637
activities described in division (D) of this section and 1638
consistent with any measures necessary to determine the scope of 1639
the breach, including which residents' personal information was 1640
accessed and acquired, and to restore the reasonable integrity of 1641
the data system. 1642

(C) Any person that, on behalf of or at the direction of 1643
another person or on behalf of or at the direction of any 1644
governmental entity, is the custodian of or stores computerized 1645
data that includes personal information shall notify that other 1646
person or governmental entity of any breach of the security of the 1647
system in an expeditious manner, if the personal information was, 1648
or reasonably is believed to have been, accessed and acquired by 1649
an unauthorized person and if the access and acquisition by the 1650
unauthorized person causes or reasonably is believed will cause a 1651
material risk of identity theft or other fraud to a resident of 1652
this state. 1653

(D) The person may delay the disclosure or notification 1654
required by division (B), (C), or (G) of this section if a law 1655
enforcement agency determines that the disclosure or notification 1656
will impede a criminal investigation or jeopardize homeland or 1657
national security, in which case, the person shall make the 1658
disclosure or notification after the law enforcement agency 1659
determines that disclosure or notification will not compromise the 1660
investigation or jeopardize homeland or national security. 1661

(E) For purposes of this section, a person may disclose or 1662
make a notification by any of the following methods: 1663

(1) Written notice;	1664
(2) Electronic notice, if the person's primary method of communication with the resident to whom the disclosure must be made is by electronic means;	1665 1666 1667
(3) Telephone notice;	1668
(4) Substitute notice in accordance with this division, if the person required to disclose demonstrates that the person does not have sufficient contact information to provide notice in a manner described in division (E)(1), (2), or (3) of this section, or that the cost of providing disclosure or notice to residents to whom disclosure or notification is required would exceed two hundred fifty thousand dollars, or that the affected class of subject residents to whom disclosure or notification is required exceeds five hundred thousand persons. Substitute notice under this division shall consist of all of the following:	1669 1670 1671 1672 1673 1674 1675 1676 1677 1678
(a) Electronic mail notice if the person has an electronic mail address for the resident to whom the disclosure must be made;	1679 1680
(b) Conspicuous posting of the disclosure or notice on the person's web site, if the person maintains one;	1681 1682
(c) Notification to major media outlets, to the extent that the cumulative total of the readership, viewing audience, or listening audience of all of the outlets so notified equals or exceeds seventy-five per cent of the population of this state.	1683 1684 1685 1686
(5) Substitute notice in accordance with this division, if the person required to disclose demonstrates that the person is a business entity with ten employees or fewer and that the cost of providing the disclosures or notices to residents to whom disclosure or notification is required will exceed ten thousand dollars. Substitute notice under this division shall consist of all of the following:	1687 1688 1689 1690 1691 1692 1693

(a) Notification by a paid advertisement in a local newspaper 1694
that is distributed in the geographic area in which the business 1695
entity is located, which advertisement shall be of sufficient size 1696
that it covers at least one-quarter of a page in the newspaper and 1697
shall be published in the newspaper at least once a week for three 1698
consecutive weeks; 1699

(b) Conspicuous posting of the disclosure or notice on the 1700
business entity's web site, if the entity maintains one; 1701

(c) Notification to major media outlets in the geographic 1702
area in which the business entity is located. 1703

(F)(1) A financial institution, trust company, or credit 1704
union or any affiliate of a financial institution, trust company, 1705
or credit union that is required by federal law, including, but 1706
not limited to, any federal statute, regulation, regulatory 1707
guidance, or other regulatory action, to notify its customers of 1708
an information security breach with respect to information about 1709
those customers and that is subject to examination by its 1710
functional government regulatory agency for compliance with the 1711
applicable federal law, is exempt from the requirements of this 1712
section. 1713

(2) This section does not apply to any person or entity that 1714
is ~~regulated by sections 1171 to 1179 of the "Social Security~~ 1715
~~Act," chapter 531, 49 Stat. 620 (1935), 42 U.S.C. 1320d to~~ 1716
~~1320d-8, and any corresponding regulations in 45 C.F.R. Parts 160~~ 1717
~~and 164~~ a covered entity as defined in 45 C.F.R. 160.103, as 1718
amended. 1719

(G) If a person discovers circumstances that require 1720
disclosure under this section to more than one thousand residents 1721
of this state involved in a single occurrence of a breach of the 1722
security of the system, the person shall notify, without 1723
unreasonable delay, all consumer reporting agencies that compile 1724

and maintain files on consumers on a nationwide basis of the 1725
timing, distribution, and content of the disclosure given by the 1726
person to the residents of this state. In no case shall a person 1727
that is required to make a notification required by this division 1728
delay any disclosure or notification required by division (B) or 1729
(C) of this section in order to make the notification required by 1730
this division. 1731

(H) Any waiver of this section is contrary to public policy 1732
and is void and unenforceable. 1733

(I) The attorney general may conduct pursuant to sections 1734
1349.191 and 1349.192 of the Revised Code an investigation and 1735
bring a civil action upon an alleged failure by a person to comply 1736
with the requirements of this section. 1737

Sec. 4723.01. As used in this chapter: 1738

(A) "Registered nurse" means an individual who holds a 1739
current, valid license issued under this chapter that authorizes 1740
the practice of nursing as a registered nurse. 1741

(B) "Practice of nursing as a registered nurse" means 1742
providing to individuals and groups nursing care requiring 1743
specialized knowledge, judgment, and skill derived from the 1744
principles of biological, physical, behavioral, social, and 1745
nursing sciences. Such nursing care includes: 1746

(1) Identifying patterns of human responses to actual or 1747
potential health problems amenable to a nursing regimen; 1748

(2) Executing a nursing regimen through the selection, 1749
performance, management, and evaluation of nursing actions; 1750

(3) Assessing health status for the purpose of providing 1751
nursing care; 1752

(4) Providing health counseling and health teaching; 1753

(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	1754 1755 1756 1757
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	1758 1759
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	1760 1761
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	1762 1763 1764 1765
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	1766 1767 1768
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, chiropractor, or registered nurse. Such nursing care includes:	1769 1770 1771 1772 1773 1774
(1) Observation, patient teaching, and care in a diversity of health care settings;	1775 1776
(2) Contributions to the planning, implementation, and evaluation of nursing;	1777 1778
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, except that administration of intravenous therapy shall be performed only in accordance with section 4723.17 or 4723.171	1779 1780 1781 1782 1783

of the Revised Code. Medications may be administered by a licensed
practical nurse upon proof of completion of a course in medication
administration approved by the board of nursing.

(4) Administration to an adult of intravenous therapy
authorized by an individual who is authorized to practice in this
state and is acting within the course of the individual's
professional practice, on the condition that the licensed
practical nurse is authorized under section 4723.17 or 4723.171 of
the Revised Code to perform intravenous therapy and performs
intravenous therapy only in accordance with those sections;

(5) Delegation of nursing tasks as directed by a registered
nurse;

(6) Teaching nursing tasks to licensed practical nurses and
individuals to whom the licensed practical nurse is authorized to
delegate nursing tasks as directed by a registered nurse.

(G) "Certified registered nurse anesthetist" means a
registered nurse who holds a valid certificate of authority issued
under this chapter that authorizes the practice of nursing as a
certified registered nurse anesthetist in accordance with section
4723.43 of the Revised Code and rules adopted by the board of
nursing.

(H) "Clinical nurse specialist" means a registered nurse who
holds a valid certificate of authority issued under this chapter
that authorizes the practice of nursing as a clinical nurse
specialist in accordance with section 4723.43 of the Revised Code
and rules adopted by the board of nursing.

(I) "Certified nurse-midwife" means a registered nurse who
holds a valid certificate of authority issued under this chapter
that authorizes the practice of nursing as a certified
nurse-midwife in accordance with section 4723.43 of the Revised
Code and rules adopted by the board of nursing.

(J) "Certified nurse practitioner" means a registered nurse 1815
who holds a valid certificate of authority issued under this 1816
chapter that authorizes the practice of nursing as a certified 1817
nurse practitioner in accordance with section 4723.43 of the 1818
Revised Code and rules adopted by the board of nursing. 1819

(K) "Physician" means an individual authorized under Chapter 1820
4731. of the Revised Code to practice medicine and surgery or 1821
osteopathic medicine and surgery. 1822

(L) "Collaboration" or "collaborating" means the following: 1823

(1) In the case of a clinical nurse specialist, except as 1824
provided in division (L)(3) of this section, or a certified nurse 1825
practitioner, that one or more podiatrists acting within the scope 1826
of practice of podiatry in accordance with section 4731.51 of the 1827
Revised Code and with whom the nurse has entered into a standard 1828
care arrangement or one or more physicians with whom the nurse has 1829
entered into a standard care arrangement are continuously 1830
available to communicate with the clinical nurse specialist or 1831
certified nurse practitioner either in person or by radio, 1832
telephone, or other form of telecommunication; 1833

(2) In the case of a certified nurse-midwife, that one or 1834
more physicians with whom the certified nurse-midwife has entered 1835
into a standard care arrangement are continuously available to 1836
communicate with the certified nurse-midwife either in person or 1837
by radio, telephone, or other form of telecommunication; 1838

(3) In the case of a clinical nurse specialist who practices 1839
the nursing specialty of mental health or psychiatric mental 1840
health without being authorized to prescribe drugs and therapeutic 1841
devices, that one or more physicians are continuously available to 1842
communicate with the nurse either in person or by radio, 1843
telephone, or other form of telecommunication. 1844

(M) "Supervision," as it pertains to a certified registered 1845

nurse anesthetist, means that the certified registered nurse
anesthetist is under the direction of a podiatrist acting within
the podiatrist's scope of practice in accordance with section
4731.51 of the Revised Code, a dentist acting within the dentist's
scope of practice in accordance with Chapter 4715. of the Revised
Code, or a physician, and, when administering anesthesia, the
certified registered nurse anesthetist is in the immediate
presence of the podiatrist, dentist, or physician.

(N) "Standard care arrangement" means a written, formal guide
for planning and evaluating a patient's health care that is
developed by one or more collaborating physicians or podiatrists
and a clinical nurse specialist, certified nurse-midwife, or
certified nurse practitioner and meets the requirements of section
4723.431 of the Revised Code.

(O) "Advanced practice nurse" means a certified registered
nurse anesthetist, clinical nurse specialist, certified
nurse-midwife, or certified nurse practitioner.

(P) "Dialysis care" means the care and procedures that a
dialysis technician is authorized to provide and perform, as
specified in section 4723.72 of the Revised Code.

(Q) "Dialysis technician" means an individual who holds a
current, valid certificate or temporary certificate issued under
this chapter that authorizes the individual to practice as a
dialysis technician in accordance with section 4723.72 of the
Revised Code.

(R) "Certified community health worker" means an individual
who holds a current, valid certificate as a community health
worker issued by the board of nursing under section 4723.85 of the
Revised Code.

Sec. 4723.32. This chapter does not prohibit any of the

following:	1876
(A) The practice of nursing by a student currently enrolled	1877
in and actively pursuing completion of a prelicensure nursing	1878
education program approved by the board of nursing, if the	1879
student's practice is under the auspices of the program and the	1880
student acts under the supervision of a registered nurse serving	1881
for the program as a faculty member, <u>or</u> teaching assistant, or	1882
preceptor;	1883
(B) The rendering of medical assistance to a licensed	1884
physician, licensed dentist, or licensed podiatrist by a person	1885
under the direction, supervision, and control of such licensed	1886
physician, dentist, or podiatrist;	1887
(C) The activities of persons employed as nursing aides,	1888
attendants, orderlies, or other auxiliary workers in patient	1889
homes, nurseries, nursing homes, hospitals, home health agencies,	1890
or other similar institutions;	1891
(D) The provision of nursing services to family members or in	1892
emergency situations;	1893
(E) The care of the sick when done in connection with the	1894
practice of religious tenets of any church and by or for its	1895
members;	1896
(F) The practice of nursing as a certified registered nurse	1897
anesthetist, clinical nurse specialist, certified nurse-midwife,	1898
or certified nurse practitioner by a student currently enrolled in	1899
and actively pursuing completion of a program of study leading to	1900
initial authorization by the board to practice nursing in the	1901
specialty, if both of the following are the case:	1902
(1) The program qualifies the student to sit for the	1903
examination of a national certifying organization listed in	1904
division (A)(3) of section 4723.41 of the Revised Code or approved	1905

by the board under section 4723.46 of the Revised Code or the
program prepares the student to receive a master's degree in
accordance with division (A)(2) of section 4723.41 of the Revised
Code;

(2) The student's practice is under the auspices of the
program and the student acts under the supervision of a registered
nurse serving for the program as a faculty member, teaching
assistant, or preceptor.

(G) The activities of an individual who currently holds a
license to practice nursing in another jurisdiction, if the
individual's license has not been revoked, the individual is not
currently under suspension or on probation, the individual does
not represent the individual as being licensed under this chapter,
and one of the following is the case:

(1) The individual is engaging in the practice of nursing by
discharging official duties while employed by or under contract
with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as
an employee of an individual, agency, or corporation located in
the other jurisdiction in a position with employment
responsibilities that include transporting patients into, out of,
or through this state, as long as each trip in this state does not
exceed seventy-two hours;

(3) The individual is consulting with an individual licensed
in this state to practice any health-related profession;

(4) The individual is engaging in activities associated with
teaching in this state as a guest lecturer at or for a nursing
education program, continuing nursing education program, or
in-service presentation;

(5) The individual is conducting evaluations of nursing care

that are undertaken on behalf of an accrediting organization, 1936
including the national league for nursing accrediting committee, 1937
the joint commission on accreditation of healthcare organizations, 1938
or any other nationally recognized accrediting organization; 1939

(6) The individual is providing nursing care to an individual 1940
who is in this state on a temporary basis, not to exceed six 1941
months in any one calendar year, if the nurse is directly employed 1942
by or under contract with the individual or a guardian or other 1943
person acting on the individual's behalf; 1944

(7) The individual is providing nursing care during any 1945
disaster, natural or otherwise, that has been officially declared 1946
to be a disaster by a public announcement issued by an appropriate 1947
federal, state, county, or municipal official. 1948

(H) The administration of medication by an individual who 1949
holds a valid medication aide certificate issued under this 1950
chapter, if the medication is administered to a resident of a 1951
nursing home or residential care facility authorized by section 1952
4723.63 or 4723.64 of the Revised Code to use a certified 1953
medication aide and the medication is administered in accordance 1954
with section 4723.67 of the Revised Code. 1955

Section 2. That existing sections 133.07, 140.03, 140.05, 1956
325.19, 339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 339.14, 1957
339.16, 339.17, 1347.12, 1349.19, 4723.01, and 4723.32 and section 1958
339.092 of the Revised Code are hereby repealed. 1959