

**As Introduced**

**128th General Assembly  
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**H. B. No. 146**

**Representative Hagan**

**Cosponsors: Representatives Harris, Harwood, Yuko, Letson, Murray, Boyd,  
Foley, Chandler, Skindell**

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**A B I L L**

To amend sections 124.82 and 305.171 of the Revised Code to allow counties to participate in a state employee health insurance plan sponsored by the Department of Administrative Services.

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

**Section 1.** That sections 124.82 and 305.171 of the Revised Code be amended to read as follows:

**Sec. 124.82.** (A) Except as provided in division (D) of this section, the department of administrative services, in consultation with the superintendent of insurance, shall, in accordance with competitive selection procedures of Chapter 125. of the Revised Code, contract with an insurance company or a health plan in combination with an insurance company, authorized to do business in this state, for the issuance of a policy or contract of health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering state employees who are paid directly by warrant of the director of budget and management, including elected state officials, and county officers and employees that participate in the policy or

contract under section 305.171 of the Revised Code. The department 19  
may fulfill its obligation under this division by exercising its 20  
authority under division (A)(2) of section 124.81 of the Revised 21  
Code. 22

(B) The department may, in addition, in consultation with the 23  
superintendent of insurance, negotiate and contract with health 24  
insuring corporations holding a certificate of authority under 25  
Chapter 1751. of the Revised Code, in their approved service areas 26  
only, for issuance of a contract or contracts of health care 27  
services, covering state employees who are paid directly by 28  
warrant of the director of budget and management, including 29  
elected state officials, and county officers and employees that 30  
participate in the policy or contract under section 305.171 of the 31  
Revised Code. The department may enter into contracts with one or 32  
more insurance carriers or health plans to provide the same plan 33  
of benefits, provided that: 34

(1) The amount of the premium or cost for such coverage 35  
contributed by the state, for an individual or for an individual 36  
and the individual's family, does not exceed that same amount of 37  
the premium or cost contributed by the state under division (A) of 38  
this section; 39

(2) The employee be permitted to exercise the option as to 40  
which plan the employee will select under division (A) or (B) of 41  
this section, at a time that shall be determined by the 42  
department; 43

(3) The health insuring corporations do not refuse to accept 44  
the employee, or the employee and the employee's family, if the 45  
employee exercises the option to select care provided by the 46  
corporations; 47

(4) The employee may choose participation in only one of the 48  
plans sponsored by the department; 49

(5) The director of health examines and certifies to the department that the quality and adequacy of care rendered by the health insuring corporations meet at least the standards of care provided by hospitals and physicians in that employee's community, who would be providing such care as would be covered by a contract awarded under division (A) of this section.

(C) All or any portion of the cost, premium, or charge for the coverage in divisions (A) and (B) of this section may be paid in such manner or combination of manners as the department determines and may include the proration of health care costs, premiums, or charges for part-time employees.

(D) Notwithstanding division (A) of this section, the department may provide benefits equivalent to those that may be paid under a policy or contract issued by an insurance company or a health plan pursuant to division (A) of this section.

(E) This section does not prohibit the state office of collective bargaining from entering into an agreement with an employee representative for the purposes of providing fringe benefits, including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services or other benefits, or any combination of those benefits, to employees paid directly by warrant of the director of budget and management through a jointly administered trust fund. The employer's contribution for the cost of the benefit care shall be mutually agreed to in the collectively bargained agreement. The amount, type, and structure of fringe benefits provided under this division is subject to the determination of the board of trustees of the jointly administered trust fund. Notwithstanding any other provision of the Revised Code, competitive bidding does not apply to the purchase of fringe benefits for employees under this

division when those benefits are provided through a jointly 82  
administered trust fund. 83

(F) Members of state boards or commissions may be covered by 84  
any policy, contract, or plan of benefits or services described in 85  
division (A) or (B) of this section. Board or commission members 86  
who are appointed for a fixed term and who are compensated on a 87  
per meeting basis, or paid only for expenses, or receive a 88  
combination of per diem payments and expenses shall pay the entire 89  
amount of the premiums, costs, or charges for that coverage. 90

(G) The director of administrative services shall adopt by 91  
rule procedures for county officers and employees' participation 92  
in the state policy or contract selected by the department 93  
pursuant to this section, including method of application, payment 94  
of benefits, and transfer of money. 95

**Sec. 305.171.** (A) The board of county commissioners of any 96  
county may contract for, purchase, or otherwise procure and pay 97  
all or any part of the cost of group insurance policies that may 98  
provide benefits including, but not limited to, hospitalization, 99  
surgical care, major medical care, disability, dental care, eye 100  
care, medical care, hearing aids, or prescription drugs, and that 101  
may provide sickness and accident insurance, group legal services, 102  
or group life insurance, or a combination of any of the foregoing 103  
types of insurance or coverage, for county officers and employees 104  
and their immediate dependents from the funds or budgets from 105  
which the county officers or employees are compensated for 106  
services, issued by an insurance company. 107

(B) The board of county commissioners also may negotiate and 108  
contract for any plan or plans of health care services with health 109  
insuring corporations holding a certificate of authority under 110  
Chapter 1751. of the Revised Code, provided that each county 111  
officer or employee shall be permitted to do both of the 112

following:	113
(1) Exercise an option between a plan offered by an insurance	114
company and a plan or plans offered by health insuring	115
corporations under this division, on the condition that the county	116
officer or employee shall pay any amount by which the cost of the	117
plan chosen by the county officer or employee pursuant to this	118
division exceeds the cost of the plan offered under division (A)	119
of this section;	120
(2) Change from one of the plans to another at a time each	121
year as determined by the board.	122
(C) Section 307.86 of the Revised Code does not apply to the	123
purchase of benefits for county officers or employees under	124
divisions (A) and (B) of this section when those benefits are	125
provided through a jointly administered health and welfare trust	126
fund in which the county or contracting authority and a collective	127
bargaining representative of the county employees or contracting	128
authority agree to participate.	129
(D) The board of trustees of a jointly administered trust	130
fund that receives contributions pursuant to collective bargaining	131
agreements entered into between the board of county commissioners	132
of any county and a collective bargaining representative of the	133
employees of the county may provide for self-insurance of all risk	134
in the provision of fringe benefits, and may provide through the	135
self-insurance method specific fringe benefits as authorized by	136
the rules of the board of trustees of the jointly administered	137
trust fund. The fringe benefits may include, but are not limited	138
to, hospitalization, surgical care, major medical care,	139
disability, dental care, vision care, medical care, hearing aids,	140
prescription drugs, group life insurance, sickness and accident	141
insurance, group legal services, or a combination of any of the	142
foregoing types of insurance or coverage, for county employees and	143
their dependents.	144

(E) The board of county commissioners may provide the 145  
benefits described in divisions (A) to (D) of this section through 146  
an individual self-insurance program or a joint self-insurance 147  
program as provided in section 9.833 of the Revised Code or 148  
through a plan sponsored by the department of administrative 149  
services under section 124.82 of the Revised Code. 150

(F) When a board of county commissioners offers health 151  
benefits authorized under this section to a county officer or 152  
employee, the board may offer the benefits through a cafeteria 153  
plan meeting the requirements of section 125 of the "Internal 154  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 125, as 155  
amended, and, as part of that plan, may offer the county officer 156  
or employee the option of receiving a cash payment in any form 157  
permissible under such cafeteria plans. A cash payment made to a 158  
county officer or employee under this division shall not exceed 159  
twenty-five per cent of the cost of premiums or payments that 160  
otherwise would be paid by the board for benefits for the county 161  
officer or employee under a policy or plan. 162

(G) The board of county commissioners may establish a policy 163  
authorizing any county appointing authority to make a cash payment 164  
to any county officer or employee in lieu of providing a benefit 165  
authorized under this section if the county officer or employee 166  
elects to take the cash payment instead of the offered benefit. A 167  
cash payment made to a county officer or employee under this 168  
division shall not exceed twenty-five per cent of the cost of 169  
premiums or payments that otherwise would be paid by the board for 170  
benefits for the county officer or employee under an offered 171  
policy or plan. 172

(H) No cash payment in lieu of a health benefit shall be made 173  
to a county officer or employee under division (F) or (G) of this 174  
section unless the county officer or employee signs a statement 175  
affirming that the county officer or employee is covered under 176

another health insurance or health care policy, contract, or plan, 177  
and setting forth the name of the employer, if any, that sponsors 178  
the coverage, the name of the carrier that provides the coverage, 179  
and the identifying number of the policy, contract, or plan. 180

(I) The legislative authority of a county-operated municipal 181  
court, after consultation with the judges, or the clerk and deputy 182  
clerks, of the municipal court, shall negotiate and contract for, 183  
purchase, or otherwise procure, and pay the costs, premiums, or 184  
charges for, group health care coverage for the judges, and group 185  
health care coverage for the clerk and deputy clerks, in 186  
accordance with section 1901.111 or 1901.312 of the Revised Code. 187

(J) As used in this section: 188

(1) "County officer or employee" includes, but is not limited 189  
to, a member or employee of the county board of elections. 190

(2) "County-operated municipal court" and "legislative 191  
authority" have the same meanings as in section 1901.03 of the 192  
Revised Code. 193

(3) "Health care coverage" has the same meaning as in section 194  
1901.111 of the Revised Code. 195

**Section 2.** That existing sections 124.82 and 305.171 of the 196  
Revised Code are hereby repealed. 197