

2005 Ohio SB 126


Enacted, December 29, 2006

Reporter

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OHIO ADVANCE LEGISLATIVE SERVICE > OHIO 126TH GENERAL ASSEMBLY -- 2005-06 REGULAR SESSION > SENATE BILL NO. 126

Notice

 [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]
[D> Text within these symbols is deleted <D]

Synopsis

AN ACT To amend [sections 133.07](#), [140.03](#), [140.05](#), [325.19](#), [339.01](#), [339.02](#), [339.03](#), [339.06](#), [339.09](#), [339.091](#), [339.14](#), [339.16](#), [339.17](#), [1347.12](#), [1349.19](#), [4723.01](#), and [4723.32](#) and to repeal [section 339.092 of the Revised Code](#) to modify the laws governing county hospitals and licensed practical nurse duties and to exempt a state agency or agency of a political subdivision from the requirement that it disclose or give notice of unauthorized access to personal information if the agency is a covered entity under the Health Insurance Portability and Accountability Act of 1996.

Text

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

SECTION 1. That [sections 133.07](#), [140.03](#), [140.05](#), [325.19](#), [339.01](#), [339.02](#), [339.03](#), [339.06](#), [339.09](#), [339.091](#), [339.14](#), [339.16](#), [339.17](#), [1347.12](#), [1349.19](#), [4723.01](#), and [4723.32 of the Revised Code](#) be amended to read as follows:

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

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

(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;

(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;

(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;

(g) Facilities for natural resources exploration, development, recovery, use, and sale;

(h) Correctional and detention facilities and related rehabilitation facilities.

(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;

(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;

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

(6) Securities issued pursuant to [section 133.08 of the Revised Code](#);

(7) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, for the purpose of acquiring or making other highway permanent improvements, or for the purpose of procuring and maintaining computer systems for the office of the clerk of any county-operated municipal court, for the office of the clerk of the court of common pleas, or for the office of the clerk of the probate, juvenile, or domestic relations division of the court of common pleas to the extent that the legislation authorizing the issuance of the securities includes a covenant to appropriate from moneys distributed to the county pursuant to division (B) of [section 2101.162](#), [2151.541](#), [2153.081](#), [2301.031](#), or [2303.201](#) or Chapter 4501., 4503., 4504., or 5735. of the Revised

Code a sufficient amount to cover debt charges on and financing costs relating to the securities as they become due;

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

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

(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;

(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](#);

(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](#);

(13) Securities issued for energy conservation measures under [section 307.041 of the Revised Code](#);

(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](#);

(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](#);

(16) Sales tax supported bonds issued pursuant to [section 133.081 of the Revised Code](#) for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;

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

(18) Securities issued under [section 3707.55 of the Revised Code](#) for the acquisition of real property by a general health district;

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

(D) In calculating the net indebtedness of a county, no obligation incurred under division [D] (D) <D] [A] (F) <A] of [section 339.06 of the Revised Code](#) shall be considered.

Sec. 140.03. (A) Two or more hospital agencies may enter into agreements for the acquisition, construction, reconstruction, rehabilitation, remodeling, renovating, enlarging, equipping, and furnishing of hospital facilities, or the management, operation, occupancy, use, maintenance, and repair of hospital facilities, or for participation in programs, projects, activities, and services useful to, connected with, supplementing, or otherwise related to the services provided by, or the operation of, hospital facilities operated by one or more participating hospital agencies, including any combination of such purposes, all in such manner as to promote the public purpose stated in [section 140.02 of the Revised Code](#). A city health district; general health district; board of alcohol, drug addiction, and mental health services; county board of mental retardation and developmental disabilities; the department of mental health; the department of mental retardation and developmental disabilities; or any public body engaged in the education or training of health professions personnel may join in any such agreement for purposes related to its authority under laws applicable to it, and as such a participant shall be considered a public hospital agency or hospital agency for the purposes of this section.

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

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

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

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

(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;

(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.

(C) An agreement entered into under authority of this section may provide for:

(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;

(2) Securing necessary personnel, including participation of personnel from the respective hospital agencies;

(3) Standards or conditions for the admission or participation of patients and physicians;

(4) Conditions for admittance of other hospital agencies to participation under the agreement;

(5) Fixing or establishing the method of determining charges to be made for particular services;

(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;

(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;

(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;

(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;

(10) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section.

(D) For the purpose of paying or contributing its share under an agreement made under this section, a public hospital agency may:

(1) Expend any moneys from its general fund, and from any other funds not otherwise restricted by law, but including funds 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 **[D> sections <D] [A> SECTION <A]** [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 [A] AGREEMENT, ACCOMPANIED BY THE [A] resolution [A] OR ORDINANCE, [A] to the board of county commissioners [A] FOR REVIEW [A] pursuant to [section 339.091 of the Revised Code](#). [D] If [D] [A] THE AGREEMENT MAY BE ENTERED INTO ONLY IF [A] the board of county commissioners adopts a resolution under that section [D] , it shall submit the resolution to the electors of the county pursuant to [section 339.092 of the Revised Code](#) [D] . The requirements of division (F)(2) of this section do not apply to the agreement if one or more hospitals classified as general hospitals by the public health council under *section 3701.07 of the Revised Code* are operating in the same county as the county hospital.

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

(2) If the lease is with a board of county commissioners, board of county hospital trustees, or county hospital commission and is [A] AN AGREEMENT [A] for the initial lease 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 [A] AGREEMENT, ACCOMPANIED BY THE [A] resolution [A] OR ORDINANCE, [A] to the board of county commissioners [A] FOR REVIEW [A] pursuant to [section 339.091 of the Revised Code](#). [D] If [D] [A] THE AGREEMENT MAY BE ENTERED INTO ONLY IF [A] the board of county commissioners adopts a resolution under that section [D] , it shall submit the resolution to the electors of the county pursuant to [section 339.092 of the Revised Code](#) [D] . The requirements of division (A)(2) of this section do not apply to the lease if one or more hospitals classified as general hospitals by the public health council under *section 3701.07 of the Revised Code* are operating in the same county as the county hospital.

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

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

(D) Such lease may provide for the sale or transfer of title of the leased facilities pursuant to an option to purchase, lease-purchase, or installment purchase upon terms therein provided or to be determined as therein provided,

which may include provision for the continued use thereof as a hospital facility for some reasonable period, taking into account efficient useful life and other factors, as is provided therein.

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

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

Sec. 325.19. (A)(1) The granting of vacation leave under division (A)(1) of this section is subject to divisions (A)(2) and (3) of this section. Each full-time employee in the several offices and departments of the county service, including full-time hourly rate employees, after service of one year with the county or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

The appointing authorities of the offices and departments of the county service may permit all or any part of a person's prior service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be considered service with the county or a political subdivision of the state for the purpose of determining years of service under this division.

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

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

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

(C) Days specified as holidays in [section 124.19 of the Revised Code](#) shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

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

(2)(a) When a classified employee of a county board of mental retardation and developmental disabilities works at a site maintained by a government entity other than the board, such as a public school, the board may adjust the employee's holiday schedule to conform to the schedule adopted by the government entity. Under an adjusted holiday schedule, an employee shall receive the number of hours of holiday pay granted under division (D)(1) of this section.

(b) Pursuant to division **[D> (H) <D] [A> (J) <A]** (6) of *section 339.06 of the Revised Code*, a county hospital may observe Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in [section 1.14 of the Revised Code](#).

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

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

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

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

(I) Division (A) of this section does not apply to an employee of a county board of mental retardation and developmental disabilities who works at, or provides transportation services to pupils of, a special education

program provided by the county board pursuant to division (A)(4) of [section 5126.05 of the Revised Code](#), if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.

(J) As used in this section:

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

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

(3) "Management employee" has the same meaning as in [section 5126.20 of the Revised Code](#).

Sec. 339.01. (A) As used in [sections 339.01 to 339.17 of the Revised Code](#):

(1) "Hospital facilities" has the meaning given in [section 140.01 of the Revised Code](#).

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

(3) "Outpatient health facility" means a facility where medical care and preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services are provided to outpatients by or under the direction of a physician or dentist.

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

(C)(1) A board of county commissioners, board of county hospital trustees, or hospital commission may purchase, acquire, lease, appropriate, or construct an outpatient health facility in another county to serve as a branch of the county hospital. The outpatient health facility may include office space for physicians. The facility shall be operated pursuant to the law that regulates the operation of the county hospital. [D> A <D]

[A> (2) WHEN A PROPOSAL TO ESTABLISH AN OUTPATIENT HEALTH FACILITY IN ANOTHER COUNTY IS MADE BY A BOARD OF HOSPITAL TRUSTEES OR A HOSPITAL COMMISSION, ALL OF THE FOLLOWING APPLY: <A]

[A> (A) THE <A] board of county hospital trustees or [D> a <D] hospital commission [D> that proposes to establish such a facility <D] shall give written notice to its board of county commissioners and to the board of county commissioners of the county where the facility is to be located. The board of county commissioners where the facility is to be located, by resolution adopted within forty days after receipt of the notice, may object to the proposed facility. The resolution shall include an explanation of the objection and may make any recommendations the board considers necessary. The board shall send a copy of the resolution to the board of county hospital trustees or the hospital commission and to the board of county commissioners of the county that proposes to locate the facility in the other county.

[D> (2) <D] [A> (B) <A] Except as provided in division (C) [D> (3) <D] [A> (2)(C) <A] of this section, the board of county hospital trustees or the hospital commission may establish and operate the facility, unless the board of county commissioners of the county proposing to locate the facility in the other county, not later than twenty days after receiving a resolution of objection from the other county's board of county commissioners pursuant to division

(C) [D> (1) <D] [A> (2)(A) <A] of this section, adopts a resolution denying the trustees or commission the right to establish the facility.

[D> (3) <D] [A> (C) <A] If a board of county commissioners provides a subsidy for uncompensated care to a board of county hospital trustees or hospital commission, the board of county hospital trustees or hospital commission may establish and operate the outpatient health facility only if that board of county commissioners approves the establishment of the facility.

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

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

(B) Unless a board of county hospital trustees for the county is in existence in accordance with this section, such board shall be created pursuant to this section after the board of county commissioners first determines by resolution to establish a county hospital. Copies of such resolution shall be certified to the probate judge of the county senior in point of service and to the judge, other than a probate judge, of the court of common pleas of the county senior in point of service. [A> THE <A]

[D> (C) The <D] board of county commissioners together with the probate judge of the county senior in point of service and the judge of the court of common pleas of the county senior in point of service shall, within ten days after such certification, appoint a board of county hospital trustees.

[D> The <D] [A> (C) IN MAKING APPOINTMENTS TO A BOARD OF COUNTY HOSPITAL TRUSTEES, ALL OF THE FOLLOWING APPLY WITH RESPECT TO THE INDIVIDUALS WHO MAY BE APPOINTED: <A]

[A> (1) MEMBERS SHALL BE ELECTORS OF THE AREA SERVED BY THE HOSPITAL, EXCEPT THAT NOT MORE THAN TWO MEMBERS MAY BE ELECTORS OF THE AREA SERVED BY THE HOSPITAL THAT IS OUTSIDE THE COUNTY IN WHICH THE HOSPITAL IS LOCATED. <A]

[A> (2) IN NO CASE SHALL MORE THAN ONE-HALF OF THE MEMBERS BE INDEPENDENTS OR BE MEMBERS OF ANY ONE POLITICAL PARTY. <A]

[A> (3) A PHYSICIAN MAY SERVE AS A MEMBER, INCLUDING A PHYSICIAN WHO IS AUTHORIZED TO ADMIT AND TREAT PATIENTS AT THE HOSPITAL, EXCEPT AS FOLLOWS: <A]

[A> (A) NOT MORE THAN TWO PHYSICIANS MAY SERVE AS MEMBERS AT THE SAME TIME; <A]

[A> (B) NO PHYSICIAN WHO IS EMPLOYED BY THE HOSPITAL MAY SERVE AS A MEMBER. <A]

[A> (D) A <A] board of county hospital trustees shall be composed of six [D> electors of the area served by the hospital <D] [A> MEMBERS, <A] unless the board of county commissioners determines that the board of trustees can more effectively function with eight or ten [D> trustees <D] [A> MEMBERS <A] in which case there may be eight or ten [D> trustees <D] [A> MEMBERS <A] , as designated by the board of county commissioners.

[A> (E) WITH RESPECT TO THE INITIAL APPOINTMENT OF MEMBERS TO A BOARD OF COUNTY HOSPITAL TRUSTEES, ALL OF THE FOLLOWING APPLY: <A]

(1) When the board [D> of trustees <D] is composed of six [D> electors <D] [A> MEMBERS <A] , their terms of office shall be [D> : <D] one for one year, one for two years, one for three years, one for four years, one for five years, and one for six years from the first Monday of March thereafter.

(2) When the board is composed of eight [D> electors <D] [A> MEMBERS <A] , their terms of office shall be [D> : <D] one for one year, one for two years, two for three years, one for four years, one for five years, and two for six years from the first Monday of March thereafter.

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

[A] (F) EXCEPT AS PROVIDED IN DIVISION (G)(2) OF THIS SECTION, ALL OF THE FOLLOWING APPLY WITH RESPECT TO VACANCIES ON A BOARD OF COUNTY HOSPITAL TRUSTEES: [A]

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

[D] (D) [D] [A] (2) THE APPOINTING AUTHORITY SHALL FILL A VACANCY NOT LATER THAN SIX MONTHS AFTER THE VACANCY OCCURS. IF THE VACANCY REMAINS UNFILLED ON THAT DATE, THE REMAINING MEMBERS OF THE BOARD, BY MAJORITY VOTE, SHALL APPOINT AN INDIVIDUAL TO FILL THE VACANCY. [A]

[A] (3) THE APPOINTING AUTHORITY MAY FILL A VACANCY BY SEEKING NOMINATIONS FROM A SELECTION COMMITTEE CONSISTING OF ONE COUNTY COMMISSIONER DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS, THE CHAIR OF THE BOARD OF COUNTY HOSPITAL TRUSTEES, AND THE COUNTY HOSPITAL ADMINISTRATOR. IF NOMINATIONS FOR FILLING A VACANCY ARE SOUGHT FROM A SELECTION COMMITTEE, THE COMMITTEE SHALL NOMINATE AT LEAST THREE INDIVIDUALS FOR THE VACANCY. THE APPOINTING AUTHORITY MAY FILL THE VACANCY BY APPOINTING ONE OF THE NOMINATED INDIVIDUALS OR BY APPOINTING ANOTHER INDIVIDUAL SELECTED BY THE APPOINTING AUTHORITY. [A]

[A] (4) ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION DATE OF THE TERM FOR WHICH THE MEMBER'S PREDECESSOR WAS APPOINTED SHALL HOLD OFFICE AS A MEMBER FOR THE REMAINDER OF THAT TERM. [A]

[A] (G) [A] (1) The board of county commissioners together with the probate judge senior in point of service and the judge of the court of common pleas senior in point of service in any county in which a board of county hospital trustees has been appointed may expand the number of [D] trustees [D] [A] MEMBERS [A] to eight or to ten. [D] Such additional trustees shall be electors of the area served by the hospital. [D] When the number of [D] trustees [D] [A] MEMBERS [A] is increased to eight, one shall be appointed for a three-year and one for a six-year term from the first Monday of March thereafter. When the number of [D] trustees [D] [A] MEMBERS [A] is increased from six to ten, the term for additional members shall be: one for one year, one for three years, one for four years, and one for six years from the first Monday of March thereafter. When the number of [D] trustees [D] [A] MEMBERS [A] is increased from eight to ten, the term for additional members shall be: one for one year and one for four years from the first Monday of March thereafter. Thereafter except as provided in division [D] (D) [D] [A] (G) [A] (2) of this section, upon the expiration of the term of office of each [D] trustee [D] [A] MEMBER [A] , the [D] trustee's successor [D] [A] VACANCY [A] shall be [D] appointed for a term of six years [D] [A] FILLED IN THE MANNER SPECIFIED IN DIVISION (F) OF THIS SECTION [A] .

(2) The board of county commissioners together with the probate judge senior in point of service and the judge of the court of common pleas senior in point of service may reduce the number of [A] MEMBERS OF A [A] board of county hospital trustees to eight or to six. The reduction shall occur on expiration of a [D] trustee's [D] [A] MEMBER'S [A] term of office, at which time no appointment shall be made. While the board of county commissioners and the judges are in the process of reducing the number of [D] trustees [D] [A] MEMBERS [A] , the board of county hospital trustees may consist of nine or seven [D] trustees [D] [A] MEMBERS [A] for one year.

[D> (E) In no case shall more than one-half of the members of a board of county hospital trustees be independents or be members of any one political party. Notwithstanding any other provision of this section, no more than two members of the board shall be electors of the area served by the hospital that is outside the county in which the hospital is located. The <D]

[A> (H) ANY MEMBER OF A BOARD OF COUNTY HOSPITAL TRUSTEES MAY BE REMOVED FROM OFFICE BY THE APPOINTING AUTHORITY FOR NEGLECT OF DUTY, MISCONDUCT, OR MALFEASANCE IN OFFICE. THE MEMBER SHALL BE INFORMED IN WRITING OF THE CHARGES AND AFFORDED AN OPPORTUNITY FOR A HEARING BEFORE THE APPOINTING AUTHORITY. THE APPOINTING AUTHORITY SHALL NOT REMOVE A MEMBER FROM OFFICE FOR POLITICAL REASONS. <A]

[A> (I) THE MEMBERS OF A BOARD OF COUNTY HOSPITAL TRUSTEES SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE ALLOWED THEIR NECESSARY AND REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES, INCLUDING THE COST OF THEIR PARTICIPATION IN ANY CONTINUING EDUCATION PROGRAMS OR DEVELOPMENTAL PROGRAMS THAT THE MEMBERS CONSIDER NECESSARY. ALLOWABLE EXPENSES SHALL BE PAID OUT OF THE FUNDS PROVIDED FOR THE COUNTY HOSPITAL. <A]

[A> (J) THE <A] persons [D> so <D] selected [A> TO BE MEMBERS OF A BOARD OF COUNTY HOSPITAL TRUSTEES <A] shall forthwith be notified, by mail, of their appointment. [D> The <D] [A> WHEN A BOARD IS INITIALLY APPOINTED, THE <A] notice shall state a time, not more than ten days later, when such board shall meet at the county seat of such county to organize. [A> ON <A]

[D> On <D] the date stated, the board shall meet and organize [A> . <A]

[A> (K) A BOARD OF COUNTY HOSPITAL TRUSTEES SHALL ORGANIZE <A] by electing one of its number as chairperson and such other officers as specified in the board's rules. Four members of a six-member board constitute a quorum, five members constitute a quorum of an eight-member board, and six members constitute a quorum of a ten-member board.

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

[D> (G) Such <D] A board of county hospital trustees shall hold meetings at least once a month, shall adopt necessary rules of procedure, and shall keep a record of its proceedings and a strict account of all its receipts, disbursements, and expenditures [D> ; and upon <D] [A> . ON <A] completion of the construction and equipping of a [A> COUNTY <A] hospital [D> such <D] [A> , THE <A] board shall file such account with the board of county commissioners and make final settlement with [D> such <D] [A> THE <A] board [A> OF COUNTY COMMISSIONERS <A] for the construction and equipping of the hospital.

Sec. 339.03. The board of county hospital trustees shall have complete charge of the selection and purchase or lease of a site or sites for a county hospital, taking title or leasehold interest to such site or sites in the name of the county, the selection of plans and specifications, the determination and erection of all necessary buildings on such site or sites, and of the selection and installation of all necessary and proper furniture, fixtures, and equipment. [D> The <D]

[A> THE <A] board of county hospital trustees may make capital improvements, including the purchase of equipment [A> AND VEHICLES <A] , and may finance such improvements through hospital revenues or other hospital funds. [D> The <D]

[A] THE [A] board [A] OF COUNTY HOSPITAL TRUSTEES [A] may issue revenue obligations, pursuant to [section 140.06](#) or [339.15 of the Revised Code](#), or revenue bonds pursuant to [section 133.08 of the Revised Code](#).

[D] A [D] [A] THE [A] board of county hospital trustees may construct an addition to the county hospital, acquire an existing structure for the purpose of leasing office space to local physicians, or lease real property to any person to construct facilities for providing medical services other than inpatient hospital services if the board of county hospital trustees determines that such purpose is reasonably related to the proper operation of the county hospital.

[D] The trustees shall serve without compensation, but shall be allowed their necessary and reasonable expenses incurred in the performance of their duties, including the cost of their participation in such continuing education programs or developmental programs as the trustees consider necessary. Such expenses shall be paid out of the funds provided for such hospital. [D]

[D] 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. [D]

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. [D] The [D]

[A] (B) THE [A] board [A] OF COUNTY HOSPITAL TRUSTEES [A] shall have the entire management and control of the [A] COUNTY [A] hospital [D] , and [D] [A] . THE BOARD [A] shall establish such rules for [D] its [D] [A] THE HOSPITAL'S [A] government and the admission of persons as are expedient.

[A] (C) [A] The board [A] OF COUNTY HOSPITAL TRUSTEES [A] has control of the property of the [A] COUNTY [A] hospital, including management and disposal of surplus property other than real estate or an interest in real estate [D] , and [D] [A] . [A]

[A] (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: [A]

[A] (1) THE BOARD OF COUNTY HOSPITAL TRUSTEES [A] has control of all funds used in the [A] COUNTY [A] 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](#). [D] All [D]

[A] (2) OF THE FUNDS USED IN THE COUNTY HOSPITAL'S OPERATION, ALL [A] or part of [D] the moneys [D] [A] ANY AMOUNT [A] determined not to be necessary to meet current demands on the hospital may be invested by the board of [A] COUNTY [A] hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to [section 135.35 of the Revised Code](#), subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to [section 135.341 of the Revised Code](#).

[D] (B) [D] [A] (3) [A] Annually [D] by the first day of November [D] [A] , NOT LATER THAN SIXTY DAYS BEFORE THE END OF THE FISCAL YEAR USED BY THE COUNTY HOSPITAL [A] , the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for [D] approval, and the [D] [A] THAT BOARD'S REVIEW. THE [A] board of county commissioners shall [A] REVIEW AND [A] approve [D] a [D] [A] THE PROPOSED [A] budget [D] for the county hospital [D] by the first day of [D] December [D] [A] THE FISCAL YEAR TO WHICH THE BUDGET APPLIES [A] . If the [A] BOARD OF COUNTY COMMISSIONERS HAS NOT APPROVED THE BUDGET BY THE FIRST DAY OF THE FISCAL YEAR TO WHICH THE BUDGET APPLIES, THE BUDGET IS DEEMED TO HAVE BEEN APPROVED BY THE BOARD ON THE FIRST DAY OF THAT FISCAL YEAR. [A]

[A] (4) THE BOARD OF COUNTY HOSPITAL TRUSTEES SHALL NOT EXPEND FUNDS RECEIVED FROM [A] taxes collected pursuant to any tax levied under [section 5705.22 of the Revised Code](#) or the amount appropriated

to the county hospital by the [A] BOARD OF COUNTY [A] commissioners in the annual appropriation measure for the county [D] for the ensuing fiscal year differ from the amount shown in the approved budget, the board of county commissioners may require the board of county hospital trustees to revise the hospital budget accordingly. The board of trustees shall not expend such funds [D] until its budget for [D] that calendar [D] [A] THE APPLICABLE FISCAL [A] year is [D] submitted to and [D] approved [D] by the board of county commissioners [D] [A] IN ACCORDANCE WITH DIVISION (C)(3) OF THIS SECTION. AT ANY TIME THE AMOUNT RECEIVED FROM THOSE SOURCES DIFFERS FROM THE AMOUNT SHOWN IN THE APPROVED BUDGET, THE BOARD OF COUNTY COMMISSIONERS MAY REQUIRE THE BOARD OF COUNTY HOSPITAL TRUSTEES TO REVISE THE COUNTY HOSPITAL BUDGET ACCORDINGLY [A] . [D] Thereafter such funds [D]

[A] (5) FUNDS UNDER THE CONTROL OF THE BOARD OF COUNTY HOSPITAL TRUSTEES [A] may be disbursed by the board [D] of county hospital trustees [D] , consistent with the approved budget, for the uses and purposes of [D] such [D] [A] THE COUNTY [A] hospital; for the replacement of necessary equipment; for the acquisition, leasing, or construction of permanent improvements to county hospital property; or for making a donation authorized by division [D] (C) [D] [A] (E) [A] of this section. Each disbursement of funds shall be made on a voucher signed by signatories designated and approved by the board of county hospital trustees.

[A] (6) [A] The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and expenditures for the ensuing fiscal year under [section 5705.28 of the Revised Code](#) unless the board of county commissioners levies a tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

[A] (7) [A] All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners. [D] The [D]

[A] (8) THE [A] board of [A] COUNTY [A] hospital trustees shall [A] PROVIDE FOR THE CONDUCT OF AN ANNUAL FINANCIAL AUDIT OF THE COUNTY HOSPITAL. NOT LATER THAN THIRTY DAYS AFTER IT RECEIVES THE FINAL REPORT OF AN ANNUAL FINANCIAL AUDIT, THE BOARD SHALL [A] file [D] an annual [D] [A] A COPY OF THE [A] report [D] of revenues and expenditures for the fiscal year [D] with the board of county commissioners [D] within ninety days after the fiscal year's end [D] .

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

- (1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;
- (2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;
- (3) Services rendered by the hospital.

[D] (D) [D] [A] (F) [A] (1) For purposes of [D] this [D] division [A] (F)(2) OF THIS SECTION [A] :

- (a) "Bank" has the same meaning as in [section 1101.01 of the Revised Code](#).
- (b) "Savings and loan association" has the same meaning as in [section 1151.01 of the Revised Code](#).
- (c) "Savings bank" has the same meaning as in [section 1161.01 of the Revised Code](#).

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

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

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

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

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

(3) Any obligation incurred by a board of county hospital trustees under [D] this [D] division [A] (F)(2) OF THIS SECTION [A] is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of [section 133.01 of the Revised Code](#).

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

(5) No board of county hospital trustees shall at any time have more than one secured line of credit under [A] DIVISION (F)(2) OF [A] this section.

[D] (E) [D] [A] (G) [A] The board [A] OF COUNTY HOSPITAL TRUSTEES [A] shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in [D] such [D] [A] THE [A] hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes.

[D] (F) [D] [A] (H) [A] The board [A] OF COUNTY HOSPITAL TRUSTEES [A] may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds.

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

[D] (H) [D] [A] (J) [A] The following apply to the board of county hospital trustees [D] , [D] [A] IN RELATION TO [A] its employees [D] , [D] and the employees of the county hospital:

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

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

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

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

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

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

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

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

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

(e) Moving expenses for new employees;

(f) Discounts on hospital supplies and services.

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

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

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

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

(10) The board may grant to employees the recruitment and retention benefits specified under division [D] (I) <D] [A] (K) <A] of this section.

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

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

[A] (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. <A]

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](#) [D] and approval by the vote of a majority of the electors pursuant to [section 339.092 of the Revised Code](#) <D], 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, a majority of whose members reside in the county, [A] ENTER INTO AN AGREEMENT TO <A] lease for use as a hospital or hospital facilities, the lands, the buildings, and equipment of any hospital owned by said county. Such lease may be from year to year or may provide for a term of not more than thirty years and may provide that such board has the option to renew such lease at the expiration thereof for a further term of not more than thirty years upon such terms as are provided for in such lease. In the event that said nonprofit corporation fails to faithfully and efficiently administer, maintain, and operate such hospital as a public hospital, admitting patients without regard to race, creed, or color, then, after an opportunity is given to be heard upon written charges, said agreement shall terminate and the control and management of said hospital, together with all additions, improvements, and equipment, shall revert to and become the property of the county to be operated as provided by law.

Sec. 339.091. Before the board of county commissioners, board of county hospital trustees, or county hospital commission may enter into an initial agreement for the acquisition, operation, or lease under [section 140.03, 140.05, 339.09, or 339.14 of the Revised Code](#) of a county hospital operated by a board of county hospital trustees under [section 339.06 of the Revised Code](#), the board of county commissioners shall review the agreement. If it finds that the agreement will meet the needs of the residents of the county for hospital service, the board of county commissioners may adopt a resolution authorizing the board of county commissioners, board of county hospital trustees, or county hospital commission to enter into the agreement [D]; however, authorization to enter into the agreement shall become effective only if approved by the electors of the county pursuant to [section 339.092 of the Revised Code](#) <D]. [D] This <D] [A] ON ADOPTION OF THE RESOLUTION, THE BOARD OF COUNTY COMMISSIONERS, BOARD OF COUNTY HOSPITAL TRUSTEES, OR COUNTY HOSPITAL COMMISSION MAY ENTER INTO THE AGREEMENT. <A]

[A] THE REQUIREMENTS OF THIS <A] section [D] and [section 339.092 of the Revised Code](#) <D] do not apply to an agreement if one or more hospitals classified as general hospitals by the public health council under [section 3701.07 of the Revised Code](#) are operating in the same county as the county hospital.

Sec. 339.14. (A) Upon application to the board of county commissioners by an Ohio corporation or corporations, organized for charitable hospital purposes and not for profit, in this section called participating hospital corporations, the board of county commissioners may, after a determination that the preservation of the public health requires additional hospital facilities in the county, appoint a hospital commission of not less than three members, in this section called the county hospital commission. Not less than three members of such commission shall be appointed to represent the public, and there shall be appointed to the commission one additional member for each participating hospital corporation, and there may be appointed to the commission one additional member for each nonparticipating charitable hospital corporation in the county and one or more members for any joint township hospital district participating under an agreement pursuant to [section 513.081 of the Revised Code](#). All members representing the county and hospital corporations shall be electors of the county. All members shall serve without compensation. Of the first three public members appointed to the commission one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. Thereafter, such public members shall be appointed for a term of six years as shall be any additional public members. Members representing participating and nonparticipating hospital corporations shall be appointed for a term of six years. Vacancies shall be filled by appointment by the board of county commissioners for the unexpired term.

(B) The county hospital commission after consultation with participating hospital corporations and agreement as to their respective needs and the needs of the public of the county for hospital service may, with the consent of the board of county commissioners, accept conveyances of real estate and interests in real estate, situated within the county, from any person and may, on adoption of a resolution by the board of county commissioners pursuant to [section 339.091 of the Revised Code](#) [D] and approval by the electors pursuant to [section 339.092 of the Revised Code](#) <D], enter into an agreement before or after such conveyance with such person or with one or more Ohio corporations organized for charitable hospital purposes or nonprofit corporation organized to provide services to

corporations organized for charitable hospital purposes, to lease to such corporation or corporations upon such terms as may be agreed upon such real estate together with improvements thereof and buildings thereafter constructed thereon and furniture, fixtures, and equipment therein for use as a general hospital or a hospital facility, the lease shall be for a period not to exceed fifty years, renewable for a like term and may contain provisions for the sale of such property to the lessee upon the unanimous consent of the board of county commissioners for a purchase price representing not less than the actual cost to the county, less depreciation, computed at the rate customarily applied to similar structures; or such general hospital or hospital facilities may be leased pursuant to and upon terms as provided pursuant to [section 140.05 of the Revised Code](#), or the commission may enter into agreements with respect thereto as provided in [section 140.03 of the Revised Code](#), notwithstanding other provisions of this section.

(C) If the land conveyed under division (B) of this section is adjacent to an existing hospital, the county hospital commission may, at the time of the acceptance of the conveyance or the leasing of the proposed hospital facilities, enter into an agreement with the owner of such existing hospital for the use of common walls in the construction of the county hospital, or hospital facilities or rights and interests may be acquired as provided in division (F) of [section 140.05 of the Revised Code](#).

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

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

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

(G) All funds arising from a bond issue pursuant to this section shall be placed in the county treasury to the credit of a fund to be known as the "county hospital facility fund." Such fund shall be paid out on the order of the county hospital commission, certified by the **[D> chairman <D] [A> CHAIRPERSON <A]** or **[D> vice chairman <D] [A> VICE-CHAIRPERSON <A]** and secretary or assistant secretary of the commission.

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

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

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

(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) <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 **[A> , THE EMPLOYEES OF THE HOSPITAL, <A]** or such employees and their immediate dependents the following types of fringe benefits:

[D> (A) <D] [A> (1) <A] 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;

[D> (B) <D] [A> (2) <A] 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.

[A> (B) <A] A board of trustees of any county hospital may contract for, purchase, or otherwise procure insurance contracts which provide protection for the trustees **[A> , THE BOARD'S EMPLOYEES, <A]** and **[A> THE <A]** employees **[A> OF THE HOSPITAL <A]** against liability, including professional liability, provided that this section or any insurance contract issued pursuant to this section shall not be construed as a waiver of or in any manner affect the immunity of the hospital or county.

[A> (C) <A] All or any portion of the cost, premium, fees, or charges **[D> therefor <D] [A> FOR THE INSURANCE BENEFITS SPECIFIED IN DIVISIONS (A) AND (B) OF THIS SECTION <A]** may be paid in such manner or combination of manners as the board of trustees may determine, including direct payment by **[D> the <D] [A> AN <A]** employee, and, if authorized in writing by **[D> the <D] [A> AN <A]** employee, by the board of trustees with moneys made available by deduction from or reduction in salary or wages or by the foregoing of a salary or wage increase.

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

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

(B) Notwithstanding division (A) of this section, the requirements of **[D> sections <D] [A> SECTION <A]** 339.091 **[D> and 339.092 <D]** of the Revised Code apply to an initial agreement with a board of county commissioners, board of county hospital trustees, or county hospital commission for the acquisition, operation, or lease of a county hospital operated by a board of county hospital trustees under *section 339.06 of the Revised Code*, entered into

pursuant to [section 140.03](#) or [140.05 of the Revised Code](#), but not to any amendment or renewal of such agreement.

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

(1) "Agency of a political subdivision" means each organized body, office, or agency established by a political subdivision for the exercise of any function of the political subdivision **[A>** , EXCEPT THAT "AGENCY OF A POLITICAL SUBDIVISION" DOES NOT INCLUDE AN AGENCY THAT IS A COVERED ENTITY AS DEFINED IN [45 C.F.R. 160.103](#), AS AMENDED **<A]** .

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

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

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

(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 financial account.

(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:

- (i) Any news, editorial, or advertising statement published in any bona fide newspaper, journal, or magazine, or broadcast over radio or television;
 - (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)(6)(b)(i) of this section;
 - (iii) Any publication designed for and distributed to members of any bona fide association or charitable or fraternal nonprofit corporation;
 - (iv) Any type of media similar in nature to any item, entity, or activity identified in division (A)(6)(b)(i), (ii), or (iii) of this section.
- (7) "Political subdivision" has the same meaning as in [section 2744.01 of the Revised Code](#).
- (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.
- (9) "Redacted" means altered or truncated so that no more 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) "State agency" has the same meaning as in [section 1.60 of the Revised Code](#) [A] , EXCEPT THAT "STATE AGENCY" DOES NOT INCLUDE AN AGENCY THAT IS A COVERED ENTITY AS DEFINED IN [45 C.F.R. 160.103](#), AS AMENDED <A] .
- (11) "System" means, notwithstanding [section 1347.01 of the Revised Code](#), any collection or group of related records that are kept in an organized manner, that are maintained by a state agency or an agency of a political subdivision, 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 collected archival records in the custody of or administered under the authority of the Ohio historical society, any published directory, any reference material or newsletter, or any routine information that is maintained for the purpose of internal office administration of the agency, if the use of the directory, material, newsletter, or information would not adversely affect an individual and if there has been no unauthorized external breach of the directory, material, newsletter, or information.
- (B)(1) Any state agency or agency of a political subdivision 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 state agency or agency of a political subdivision with any person or another state agency or agency of a political subdivision 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. For purposes of this section, a resident of this state is an individual whose principal mailing address as reflected in the records of the state agency or agency of a political subdivision is in this state.
- (2) The state agency or agency of a political subdivision shall make the disclosure described in division (B)(1) of this section in the most expedient time possible but not later than forty-five days following its discovery or notification of the breach in the security of the system, subject to the legitimate needs of law enforcement activities described in division (D) of this section and consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired, and to restore the reasonable integrity of the data system.

(C) Any state agency or agency of a political subdivision that, on behalf of or at the direction of another state agency or agency of a political subdivision, is the custodian of or stores computerized data that includes personal information shall notify that other state agency or agency of a political subdivision of any breach of the security of the system in an expeditious manner, if the personal information was, or reasonably is believed to have been, accessed and acquired by an unauthorized person and 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 a resident of this state.

(D) The state agency or agency of a political subdivision may delay the disclosure or notification required by division (B), (C), or (F) of this section if a law enforcement agency determines that the disclosure or notification will impede a criminal investigation or jeopardize homeland or national security, in which case, the state agency or agency of a political subdivision shall make the disclosure or notification after the law enforcement agency determines that disclosure or notification will not compromise the investigation or jeopardize homeland or national security.

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

(1) Written notice;

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

(3) Telephone notice;

(4) Substitute notice in accordance with this division, if the state agency or agency of a political subdivision required to disclose demonstrates that the agency 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:

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

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

(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.

(5) Substitute notice in accordance with this division, if the state agency or agency of a political subdivision required to disclose demonstrates that the agency has 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:

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

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

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

(F) If a state agency or agency of a political subdivision discovers circumstances that require disclosure under this section to more than one thousand residents of this state involved in a single occurrence of a breach of the security of the system, the state agency or agency of a political subdivision shall notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the disclosure given by the state agency or agency of a political subdivision to the residents of this state. In no case shall a state agency or agency of a political subdivision that is required to make a notification required by this division delay any disclosure or notification required by division (B) or (C) of this section in order to make the notification required by this division.

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

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

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

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

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

(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.

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

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

(7)(a) "Personal information" means 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 financial account.

(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:

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

(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;

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

(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.

(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.

(9) "Redacted" means altered or truncated so that no more 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 division (B)(1) of this section in the most expedient time possible but not later than forty-five days following its discovery or notification of the breach in the security of the system, subject to the legitimate needs of law enforcement activities described in division (D) of this section and

consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired, and to restore the reasonable integrity of the data system.

(C) Any person that, on behalf of or at the direction of another person or on behalf of or at the direction of any governmental entity, is the custodian of or stores computerized data that includes personal information shall notify that other person or governmental entity of any breach of the security of the system in an expeditious manner, if the personal information was, or reasonably is believed to have been, accessed and acquired by an unauthorized person and 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 a resident of this state.

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

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

(1) Written notice;

(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;

(3) Telephone notice;

(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:

(a) Electronic mail notice if the person has an electronic mail address for the resident to whom the disclosure must be made;

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

(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.

(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:

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

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

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

(F)(1) A financial institution, trust company, or credit union or any affiliate of a financial institution, trust company, or credit union that is required by federal law, including, but not limited to, any federal statute, regulation, regulatory

guidance, or other regulatory action, to notify its customers of an information security breach with respect to information about those customers and that is subject to examination by its functional government regulatory agency for compliance with the applicable federal law, is exempt from the requirements of this section.

(2) This section does not apply to any person or entity that is **[D]** regulated by sections 1171 to 1179 of the "Social Security Act," chapter 531, [49 Stat. 620 \(1935\)](#), [42 U.S.C. 1320d](#) to 1320d-8, and any corresponding regulations in 45 C.F.R. Parts 160 and 164 **<D]** **[A]** A COVERED ENTITY AS DEFINED IN [45 C.F.R. 160.103](#), AS AMENDED **<A]** .

(G) If a person discovers circumstances that require disclosure under this section to more than one thousand residents of this state involved in a single occurrence of a breach of the security of the system, the person shall notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the disclosure given by the person to the residents of this state. In no case shall a person that is required to make a notification required by this division delay any disclosure or notification required by division (B) or (C) of this section in order to make the notification required by this division.

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

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

Sec. 4723.01. As used in this chapter:

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

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

- (1) Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen;
- (2) Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;
- (3) Assessing health status for the purpose of providing nursing care;
- (4) Providing health counseling and health teaching;
- (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;
- (6) Teaching, administering, supervising, delegating, and evaluating nursing practice.

(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.

(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.

(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.

(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:

- (1) Observation, patient teaching, and care in a diversity of health care settings;
- (2) Contributions to the planning, implementation, and evaluation of nursing;
- (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 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 **[A> ; <A]**

[A> (5) DELEGATION OF NURSING TASKS AS DIRECTED BY A REGISTERED NURSE; <A]

[A> (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 <A] .

(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 who holds a valid certificate of authority issued under this chapter that authorizes the practice of nursing as a certified nurse practitioner in accordance with [section 4723.43 of the Revised Code](#) and rules adopted by the board of nursing.

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

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

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

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

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

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

(A) The practice of nursing by a student currently enrolled in and actively pursuing completion of a prelicensure nursing education program approved by the board of nursing, if 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 **[D> , <D]** **[A> OR <A]** teaching assistant **[D> ,** or preceptor **<D]** ;

(B) The rendering of medical assistance to a licensed physician, licensed dentist, or licensed podiatrist by a person under the direction, supervision, and control of such licensed physician, dentist, or podiatrist;

(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;

(D) The provision of nursing services to family members or in emergency situations;

(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;

(F) The practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board to practice nursing in the specialty, if both of the following are the case:

(1) The program qualifies the student to sit for the examination of a national certifying organization listed in division (A)(3) of [section 4723.41 of the Revised Code](#) or approved 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, including the national league for nursing accrediting committee, the joint commission on accreditation of healthcare organizations, or any other nationally recognized accrediting organization;

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

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

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

SECTION 2. That existing [sections 133.07, 140.03, 140.05, 325.19, 339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 339.14, 339.16, 339.17, 1347.12, 1349.19, 4723.01, and 4723.32](#) and [section 339.092 of the Revised Code](#) are hereby repealed.

History

Approved by the Governor December 29, 2006

Sponsor

Wachtmann

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