



Sub. S.B. 126*
126th General Assembly
(As Reported by H. Health)

Sens. Wachtmann, Stivers

BILL SUMMARY

County hospitals

- Permits vacancies on a board of county hospital trustees to be filled by seeking nominations from a selection committee consisting of the board's chair, the county hospital administrator, and one county commissioner.
- Requires the appointing authority to fill each vacancy within six months, and if the vacancy remains unfilled, provides for the vacancy to be filled by the remaining members of the board of county hospital trustees.
- Permits up to two physicians at a time to serve as members of a board of county hospital trustees.
- Authorizes the removal of a board member for neglect of duty, misconduct, or malfeasance in office.
- Modifies the November and December deadlines for submission and approval of a budget for the county hospital by (1) requiring the board of county hospital trustees to submit its proposed budget at least 60 days before the beginning of the fiscal year used by the hospital and (2) requiring the board of county commissioners to review and approve the budget by the first day of that fiscal year.
- Provides for the "deemed" approval of a county hospital's proposed budget if the board of county commissioners has not approved the budget by the first day of the fiscal year used by the hospital.

* This analysis was prepared before the report of the House Health Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Eliminates the duty of the board of county hospital trustees to file an annual report of revenues and expenditures with the board of county commissioners, and instead, requires the board of county hospital trustees to provide for an annual financial audit of the county hospital and to submit a copy of the audit to the board of county commissioners.
- Specifies that the authority of the board of county hospital trustees to make capital improvements includes the purchase of vehicles.
- Eliminates the requirement that a county election be held to approve a resolution adopted by the board of county commissioners authorizing an initial agreement for acquisition, operation, or lease of a county hospital.
- Specifies that the authority of the board of county hospital trustees to provide health, liability, and other insurance for the board's employees also applies with regard to the county hospital's employees.
- Makes technical and clarifying changes to the laws governing county hospitals.

Nurses

- Modifies the duties of licensed practical nurses and registered nurses.

Disclosure

- Exempts certain state agencies and agencies of political subdivisions from the disclosure requirement related to unauthorized access to personal information.

CONTENT AND OPERATION

COUNTY HOSPITALS

Boards of county hospital trustees

(R.C. 339.02 and 339.03(D))

Current law provides for the establishment of a board of county hospital trustees to govern the operation of a county hospital. Appointments to the board are made by the board of county commissioners, together with the county's probate judge senior in point of service and the county's judge of the court of common pleas senior in point of service. Members serve for six-year terms, which

expire on a staggered schedule. Vacancies must be filled each year on the first Monday in March.

The bill modifies the laws pertaining to the appointment of the board's members by (1) authorizing the use of a selection committee to nominate individuals for appointment, (2) establishing a deadline for filling vacancies, (3) permitting the appointment of physicians, (4) specifying different reasons for which a member may be removed from office, and (5) clarifying the length of a member's term when filling an unexpired term.

Selection committee

(R.C. 339.02(F)(3))

The bill permits the appointing authority to fill a vacancy on a board of county hospital trustees by seeking nomination from a selection committee. The selection committee must consist of the following:

- (1) One county commissioner designated by the board of county commissioners;
- (2) The chair of the board of county hospital trustees;
- (3) The county hospital administrator.

If nominations for filling a vacancy are sought from a selection committee, the committee must nominate at least three individuals. The appointing authority is permitted to fill the vacancy by appointing one of the nominees or by appointing another individual selected by the appointing authority.

Deadline for filling vacancies

(R.C. 339.02(F)(2))

The bill requires the appointing authority to fill a vacancy on a board of county hospital trustees 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, must appoint an individual to fill the vacancy.

Appointment of physicians

(R.C. 339.02(C)(3))

The bill authorizes the appointment of a physician to serve as a member of a board of county hospital trustees, including a physician who is authorized to admit and treat patients at the hospital. The authority to appoint a physician is

limited, however, by the following conditions: (1) not more than two physicians may serve as members at the same time and (2) no physician who is employed by the hospital may serve as a member.

Removal from office

(R.C. 339.02(H))

Under current law, a member of a board of county hospital trustees may be removed from office by the appointing authority for the following reasons: (1) causes that impair faithful, efficient, and intelligent administration, or (2) conduct unbecoming to the office. Written charges must be initiated by the appointing authority or the board of county hospital trustees. The member must be given an opportunity to be heard before the appointing authority. Members cannot be removed for political reasons.

The bill modifies the provisions for removal of members by specifying that the appointing authority may remove a member from office for neglect of duty, misconduct, or malfeasance in office. As under current law, the member must be informed in writing of the charges and afforded an opportunity for a hearing before the appointing authority; however, the bill does not limit the entities that may initiate the charges to the appointing authority or the board of county hospital trustees. The bill continues the prohibition on removing a member for political reasons.

Unexpired terms

(R.C. 339.02(F)(4))

Current law requires the appointing authority of a board of county hospital trustees to fill all vacancies that result from death, resignation, or removal from office.

The bill does not specify the reasons that may result in an unexpired term, but clarifies that a member who is appointed to fill an unexpired term is to hold office for the remainder of that term.

Budget approval

(R.C. 339.06(D)(3) and (4))

Annually, by the first day of November, the board of county hospital trustees is required by current law to submit its proposed budget for the ensuing fiscal year to the board of county commissioners for approval. The board of county commissioners is required to approve a budget for the county hospital by

the first day of December. The board of county commissioners may require the board of county hospital trustees to revise the proposed budget.

The bill eliminates the November and December deadlines for submission and approval of the county hospital's budget. Instead, the bill requires the board of county hospital trustees to submit its proposed budget not later than 60 days before the end of the fiscal year used by the county hospital. The board of county commissioners must review and approve the proposed budget. The bill requires the board of county commissioners to approve the proposed budget by the first day of the fiscal year to which the budget applies. If the board has not approved the budget by the first day of the applicable fiscal year, the bill provides that the budget is "deemed" to have been approved by the board on that date. However the bill provides that at any time the amount received from a tax levy or appropriation of the board of county commissioners differs from the amount shown in the approved budget, the board of county commissions may require the board of county hospital trustees to revise the county hospital budget accordingly.

Financial reports

(R.C. 339.06(D)(8))

Current law requires the board of county hospital trustees to file an annual report of revenues and expenditures for the fiscal year. The report must be filed with the board of county commissioners within 90 days after the fiscal year's end.

The bill, instead, requires the board of county hospital trustees to provide for the conduct of an annual financial audit of the county hospital. Not later than 30 days after it receives the final report of the audit, the board must file a copy of the report with the board of county commissioners.

Purchase of vehicles

(R.C. 339.03)

Current law permits a board of county hospital trustees to make capital improvements, including the purchase of equipment. The improvements can be financed through hospital revenues and other hospital funds.

The bill specifies that the board's authority to make capital improvements includes the purchase of vehicles.

Agreements for acquisition, operation, or lease of a county hospital

(R.C. 339.091 and 339.092 (repealed); 140.03, 140.05, 339.09, 339.14, and 339.17)

Unless there is another general hospital operating in the county, current law requires an initial agreement for the acquisition, operation, or lease of a county hospital to be approved by the board of county commissioners and the electors of the county. Specifically, before the agreement may be entered into, the board of county commissioners must review the agreement. If the board finds that the agreement will meet the needs of the county's residents for hospital service, it may adopt a resolution authorizing the agreement. The authorization can become effective only if it is approved by the electors of the county. Procedures for providing public notice and conducting the election must be followed.

The bill eliminates the requirement that a county election be held to approve the board's resolution authorizing an initial agreement for acquisition, operation, or lease of a county hospital. With regard to the board's duty to review the agreement, the bill specifies the documents that must be submitted to the board for its review and expressly provides that the agreement may be entered into only if the board adopts a resolution authorizing the agreement.

Health and liability insurance

(R.C. 339.16)

Current law permits a board of county hospital trustees to provide health and other insurance as fringe benefits for any or all of its employees and their immediate dependents. Similarly, current law permits the board to provide liability insurance for its trustees and employees.

The bill specifies that the board's authority to provide these fringe benefits is also applicable with respect to the employees of the county hospital.

Technical and clarifying provisions

The bill includes provisions for purposes of making technical and clarifying modifications to the laws governing county hospitals. In addition to making technical and clarifying changes in the provisions described above, the bill does the following:

- (1) Clarifies the duty to provide notice to the board of county commissioners when adding an out-of-county outpatient facility (R.C. 339.01);

(2) Clarifies that provisions of existing law describing the organization of a board of county hospital trustees are ongoing requirements, and are not limited to the original appointment of the board (R.C. 339.02);

(3) Relocates provisions of existing law describing the membership and powers of a board of county hospital trustees (R.C. 339.02(C)(1) to (3) and (I), 339.03, and 339.06(L));

(4) Coordinates statutory cross-references to correspond with other changes in the bill (R.C. 133.07 and 325.19).

NURSES

Nurse duties

(R.C. 4723.01 and 4723.32)

The bill makes two changes to the law governing the practice of nursing by modifying the "practice of nursing as a licensed practical nurse" and the authorization for a student nurse to practice nursing under the supervision of a registered nurse.

Licensed practical nurses

Current law defines the "practice of nursing as a licensed practical nurse" to include the following:

- (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 under certain circumstances and with appropriate training;
- (4) Administration to an adult of intravenous therapy under certain circumstances and with appropriate training.

The bill adds the following to the practice of nursing as a licensed practical nurse:

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

(2) 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.

Nursing students

(R.C. 4723.32)

Current law permits a nursing student to practice nursing under the supervision of a registered nurse serving for the nursing program as a faculty member, teaching assistant, or preceptor. The bill provides that a nursing student may practice only under the supervision of a registered nurse serving for the program as a faculty member or teaching assistant.

DISCLOSURE

Exemption from disclosure requirement

(R.C. 1347.12 and 1347.19)

Current law requires any state agency or agency of a political subdivision that owns or licenses computerized data that includes personal information to disclose any breach or unauthorized access to the personal information to any Ohio resident whose personal information was accessed.

The bill exempts a state agency or agency of a political subdivision from the disclosure requirement if the agency is considered a "covered entity"¹ for purposes of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA governs the confidentiality of personal health information.

HISTORY

ACTION	DATE
Introduced	04-19-05
Reported, S. Health, Human Services & Aging	05-18-06
Passed Senate (33-0)	05-24-06
Reported, H. Health	---

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¹ Federal rule defines a "covered entity" as a health plan, health care clearinghouse, or health care provider who transmits any information in electronic form in connection with a transaction related to health care (45 Code of Federal Regulations § 160.103).

