



Ohio Revised Code

Section 339.02 Board of county hospital trustees - qualifications.

Effective: April 3, 2023

Legislation: House Bill 405

(A) As used in this section:

(1) "Area served by the hospital" means the geographic area, whether or not included within the county, from which a county hospital regularly draws patients.

(2) "Appointing authority" means the board of county commissioners, the probate judge of the county senior in point of service, and the judge, other than the probate judge of the county senior in point of service, of the court of common pleas of the county senior in point of service.

(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. The appointing authority shall, within ten days after such certification, appoint a board of county hospital trustees.

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

(1) Members shall be electors and representative 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.

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



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

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

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

(1) When the board is composed of six members, their terms of office shall be 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 members, their terms of office shall be 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 members, their terms of office shall be 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.

(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:

(1) Annually, on the first Monday of March, the appointing authority shall appoint or reappoint for a term of six years a sufficient number of members to replace those members whose terms have expired. The appointing authority shall be composed of five votes, with each of the three county commissioners receiving one vote, the probate judge of the county senior in point of service receiving one vote, and the judge, other than the probate judge of the county senior in point of service, of the court of common pleas of the county senior in point of service receiving one vote.

(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.

(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.

(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.

(G)(1) The appointing authority in any county in which a board of county hospital trustees has been appointed may expand the number of members to eight or to ten. When the number of members 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 members 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 members 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 (G)(2) of this section, upon the expiration of the term of office of each member, the vacancy shall be filled in the manner specified in division (F) of this section.

(2) The appointing authority may reduce the number of members of a board of county hospital trustees to eight or to six. The reduction shall occur on expiration of a member's term of office, at which time no appointment shall be made. While the appointing authority is in the process of reducing the number of members, the board of county hospital trustees may consist of nine or seven members for one year.

(3) In the case of a county hospital, when the number of board members is eight or ten, notwithstanding division (C)(1)(a) of this section, a third member may be an elector of the area



served by the hospital that is outside the county in which the hospital is located.

(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.

(I) The board of county commissioners may provide members of a board of county hospital trustees a stipend for their service or require the members to serve without compensation. The members 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 stipends and expenses shall be paid out of the funds provided for the county hospital.

(J) The persons selected to be members of a board of county hospital trustees shall forthwith be notified, by mail, of their appointment. When a board is initially appointed, the 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. On the date stated, the board shall meet and organize.

(K) A board of county hospital trustees shall organize 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.

A board of county hospital trustees shall hold meetings at least quarterly, 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. On completion of the construction and equipping of a county hospital, the board shall file such account with the board of county commissioners and make final settlement with the board of county commissioners for the construction and equipping of the hospital.

Members of the board of county hospital trustees may attend board meetings by means of communications equipment authorized under this division by rule of the board, including by video



conference or teleconference. Notwithstanding division (C) of section 121.22 of the Revised Code, board members who attend a board meeting by means of authorized communications equipment shall be considered present in person at the meeting, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the meeting.

The board of county hospital trustees shall maintain a record of any vote or other action taken at a board meeting conducted by means of authorized communications equipment. The record also shall identify the members attending the board meeting by means of authorized communications equipment.

The board of county hospital trustees shall adopt rules designating the communications equipment that is authorized for use during board meetings. The board also shall adopt rules that establish procedures and guidelines for using authorized communications equipment during board meetings and that ensure verification of the identity of any board members attending board meetings by such means.