

**OPINION NO. 70-051**

**Syllabus:**

A county hospital cannot purchase hospitalization coverage for its employees and Senate Bill No. 112 amending Section 305.171, Revised Code, did not change the fact that only county commissioners can make this purchase of insurance protection for all county employees.

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To: Fred V. Skok, Lake County Pros. Atty., Painesville, Ohio  
By: Paul W. Brown, Attorney General, April 23, 1970

I have before me your request for my opinion regarding the following question:

"May a county hospital purchase hospitalization coverage for its employees from its operating funds as the result of the provisions of Senate Bill No. 112 Amending Section 305.171 of the Ohio Revised Code, which now allows the board of county commissioners to procure and pay all or part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance, etc., for employees . . . . from the funds or budgets from which employees are compensated for services?"

Section 305.171, Revised Code, was amended effective September 23, 1969 to read as follows:

"The board of county commissioners of any county may procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance or a combination of any of the foregoing types of insurance or coverage for county officers and employees and their immediate dependents from the funds or budgets from which said officers or employees are compensated for services, whether issued by an insurance company, a hospital service association, or a nonprofit medical care corporation duly authorized to do business in this state."

Your question is "may a county hospital purchase \* \* \*." (Emphasis added) This section of the code says "The board of county commissioners of any county may procure and pay \* \* \*." (Emphasis added) It is clear that only the county commissioners may enter into a group insurance contract pursuant to Section 305.171, Revised Code. This feature was not changed when this was amended effective September 23, 1969. The legislative intent herein is that the county commissioners be responsible for procuring such insurance for all county employees and officers and that they all have the same coverage. See Opinion No. 69-049, Opinions of the Attorney General for 1969.

Therefore, it is my opinion and you are advised that a county hospital cannot purchase hospitalization coverage for its employees and Senate Bill No. 112 amending Section 305.171, Revised Code, did not change the fact that only county commissioners can make this purchase of insurance protection for all county employees.