

I_135_0414-3

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 512

A BILL

To enact sections 121.377 and 5101.91 of the 1
Revised Code to create a streamlined licensure 2
process for emergency placement facilities for 3
children and to require the Ohio Family and 4
Children First Cabinet Council to work with 5
stakeholders to develop treatment and placement 6
solutions for children with developmental or 7
intellectual challenges and high acuity 8
behaviors. 9

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

Section 1. That sections 121.377 and 5101.91 of the 10
Revised Code be enacted to read as follows: 11

Sec. 121.377. The Ohio family and children first cabinet 12
council shall work with key stakeholders, including the public 13
children services association of Ohio, the Ohio children's 14
hospital association, the Ohio council of behavioral health and 15
family services providers, the Ohio children's alliance, the 16
Ohio job and family services directors' association, the Ohio 17
association of county boards of developmental disabilities, the 18



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Ohio association of county behavioral health authorities, and 19
the county commissioners association of Ohio, to develop 20
placement and treatment solutions for children with 21
developmental or intellectual challenges and high acuity 22
behaviors, with particular focus on solutions aimed at ensuring 23
that no child will be required to sleep at a local government 24
agency or wait in a hospital with no access to treatment due to 25
lack of appropriate placement or treatment. The cabinet council 26
shall report these solutions to the general assembly for 27
immediate action within twelve months of the effective date of 28
this section and shall report updated solutions annually 29
thereafter. The report shall be provided in accordance with 30
section 101.68 of the Revised Code. 31

Sec. 5101.91. (A) As used in this section: 32

(1) "Child" means an individual who is under eighteen 33
years of age or, if the individual has a physical or mental 34
impairment or mental or psychological disorder or condition, 35
under twenty-one years of age. 36

(2) "Emergency placement facility" means a stand-alone 37
residential facility, or designated beds within a residential 38
facility, that provides immediate short-term placement of not 39
longer than fourteen days for children as described in division 40
(C) of this section. 41

(B) The department of children and youth, in consultation 42
with the department of mental health and addiction services and 43
the department of developmental disabilities, and any other 44
agency the department of children and youth deems appropriate, 45
shall establish in rules a streamlined process for licensure of 46
emergency placement facilities. The rules shall, to the extent 47
possible, utilize qualifications and processes of licenses 48

issued by the department of mental health and addiction 49
services, the department of children and youth, and the 50
department of developmental disabilities that emergency 51
placement facility applicants already hold, and shall minimize 52
duplicate efforts by applicants in applying for emergency 53
placement facility licenses. 54

(C) All of the following apply to an emergency placement 55
facility licensed under this section: 56

(1) A facility may accept a child for placement if the 57
child is in the temporary or permanent custody of a public 58
children services agency or title IV-E agency. 59

(2) A facility shall complete an assessment of the 60
immediate needs of a child within seventy-two hours of placement 61
at the facility. 62

(3) A facility shall not reject a placement request or 63
discharge a placed child based on the behavior of the child, the 64
child's treatment needs, or the child's previous history. A 65
facility may reject a placement request due to capacity or 66
staffing of the facility. 67

(4) A facility shall not accept a child for placement if 68
the child's immediately preceding placement was at another 69
emergency placement facility. 70

(D) (1) The rules adopted pursuant to this section shall be 71
adopted in accordance with Chapter 119. of the Revised Code. The 72
rules shall be adopted not later than six months after the 73
effective date of this section. 74

(2) Notwithstanding any provision of section 121.95 of the 75
Revised Code to the contrary, a regulatory restriction contained 76
in a rule adopted under this section is not subject to sections 77

121.95 to 121.953 of the Revised Code.

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