

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 512**

**Representative Pavliga**

**Cosponsors: Representatives Dell'Aquila, Schmidt, Carruthers, Robb Blasdel**



**A BILL**

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

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

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

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

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

licenses issued by the department of mental health and addiction 49  
services, the department of job and family services, 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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