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Office of Research and Drafting

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H.B. 811
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Lett

Chenwei Zhang, Attorney

SUMMARY

- Requires, rather than permits, the Department of Behavioral Health to issue disciplinary orders against a residential facility upon finding certain violations.

DETAILED ANALYSIS

Disciplinary action against residential facilities overseen by DBH

The bill requires the Department of Behavioral Health (DBH) to issue one of the following disciplinary orders against a residential facility upon finding certain violations: suspending the admission of residents, refusing to issue or renew a license for the facility, or revoking the facility's license.[1] These violations are:

- The facility is not in compliance with DBH rules;
- Any facility that the applicant or licensee operates has been cited for a pattern of serious noncompliance or repeated legal violations;
- The applicant or licensee submits false or misleading information in a license application, renewal, or investigation;
- The facility is not managed and operated by qualified persons or adequately staffed and equipped to operate;
- DBH has been notified under existing law requirements or otherwise becomes aware that the facility or any of its owners, operators, managers, or subsidiaries has faced an adverse action by another entity with licensing or regulatory authority over the facility:

[1] R.C. 5119.34(G)(1).

- In the past three years; or
- At any time, if the adverse action is based on an act or omission that violated the right of a facility resident to be free from abuse, neglect, or exploitation.[2]

Existing law permits, but does not require, DBH to issue those orders.

A residential facility is a publicly or privately operated home or facility overseen by DBH. There are three categories of facilities. Class 1 facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illnesses or one or more unrelated children or adolescents with severe emotional disturbances. A Class 2 facility provides accommodations, supervision, and personal care services to one or two unrelated persons with mental illness, one or two unrelated adults who are receiving payments under the Residential State Supplement Program,[3] or three to 16 unrelated adults. A Class 3 facility provides room and board for five or more unrelated adults with mental illness.[4]

HISTORY

Action	Date
Introduced	04-07-26

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[2] R.C. 5119.34(G)(1)(a) to (f); R.C. 5119.343, not in the bill.

[3] This program provides financial and Medicaid services to adults with disabilities who want to live in their communities. See "Residential State Supplement," Department of Behavioral Health.

[4] R.C. 5119.34(B)(1).