

Sub. H. B. No. 96  
As Passed by the Senate  
MHACD9

\_\_\_\_\_ moved to amend as follows:

In line 112687, strike through "5119.343" and insert "5119.344" 1

After line 113287, insert: 2

"Sec. 5119.344. (A) As used in this section, "principal" 3  
means an owner, operator, or manager of a class one residential 4  
facility. 5

(B) The department of mental health and addiction services 6  
may suspend, without a prior hearing, the license of a class one 7  
residential facility that serves children if any of the 8  
following occurs: 9

(1) A child suffers a serious injury or dies while 10  
residing in the residential facility. 11

(2) The department, a public children services agency, or 12  
a county department of job and family services determines that a 13  
principal, employee, volunteer, or nonresident occupant of the 14  
residential facility created a serious risk to the health or 15  
safety of a child residing in the facility that resulted in or 16  
could have resulted in a child's death or injury. 17

(3) A principal, employee, resident, volunteer, or 18  
nonresident occupant of the facility was charged by an 19  
indictment, information, or complaint with an offense relating 20  
to the death, injury, or sexual assault of another person that 21  
occurred on the premises of the facility. 22

(4) A principal, employee, volunteer, or nonresident 23  
occupant of the facility was charged by an indictment, 24  
information, or complaint with an offense relating to the death, 25  
injury, or sexual assault of a child residing in the facility. 26

(5) A public children services agency receives a report 27  
pursuant to section 2151.421 of the Revised Code, and the person 28  
alleged to have inflicted abuse or neglect on the child, who is 29  
the subject of the report, is either of the following: 30

(a) A principal of the residential facility; 31

(b) An employee of the residential facility who has not 32  
been immediately placed on administrative leave or released from 33  
employment. 34

(6) The residential facility is not in compliance with the 35  
rule, adopted under section 5119.34 of the Revised Code, 36  
pertaining to background investigations for owners, operators, 37  
employees, and other specified individuals. 38

(C) In suspending a license under division (B) of this 39  
section, the department shall comply with section 119.07 of the 40  
Revised Code. The owner of a class one residential facility may 41  
request an adjudicatory hearing before the department pursuant 42  
to sections 119.06 and 119.12 of the Revised Code. If a hearing 43  
is requested and the department does not issue its final 44  
adjudication order within one hundred twenty days after the 45  
suspension, the suspension is void on the one hundred twenty- 46

first day after the suspension, unless the hearing on the 47  
suspension is continued on agreement by the parties or for good 48  
cause. 49

(D) Any summary suspension imposed under this section 50  
shall remain in effect until any of the following occurs: 51

(1) The public children services agency completes its 52  
investigation of the report pursuant to section 2151.421 of the 53  
Revised Code and determines that all of the allegations are 54  
unsubstantiated. 55

(2) All criminal charges are disposed of through dismissal 56  
or a finding of not guilty. 57

(3) The department issues, pursuant to Chapter 119. of the 58  
Revised Code, a final order terminating the suspension. 59

(E) A class one residential facility serving children 60  
shall not have children placed in the facility while a summary 61  
suspension remains in effect. Upon the issuance of the order of 62  
suspension, the department shall place a hold on the license or 63  
indicate that the license is suspended in Ohio's statewide 64  
automated child welfare information system. 65

(F) The director of mental health and addiction services 66  
may adopt rules in accordance with Chapter 119. of the Revised 67  
Code establishing standards and procedures for the summary 68  
suspension of licenses. 69

(G) This section does not limit the authority of the 70  
department to take other action, such as issuing an order 71  
suspending the admission of residents to a residential facility, 72  
refusing to issue or renew a license for a facility, or revoking 73  
a facility's license under section 5119.34 of the Revised Code." 74

Update the title, amend, enact, or repeal clauses accordingly 75

The motion was \_\_\_\_\_ agreed to.

**SYNOPSIS**

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**Summary suspension of residential facilities licensed by  
DBH**

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**R.C. 5119.34 and 5119.344**

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Allows DBH to suspend the license of a class one 80  
residential facility serving children (a facility that provides 81  
accommodations, supervision, and services for adults with mental 82  
illness or children or adolescents with severe emotional 83  
disturbances) without a prior hearing for specified reasons 84  
primarily related to actual harm or the risk of harm to a child 85  
under the care and supervision of the residential facility. 86