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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 512
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Pavliga

Amy L. Archer, Research Analyst

SUMMARY

- Requires Ohio Family and Children First Cabinet Council and key stakeholders to develop placement and treatment solutions for children with developmental or intellectual challenges and high acuity behaviors and to submit a report of the solutions to the General Assembly.
- Requires the Department of Job and Family Services (ODJFS), in consultation with other state agencies, to establish rules for a streamlined process for licensure of emergency placement facilities for children.

DETAILED ANALYSIS

Treatment and placement solutions for children

Development of solutions

The bill requires the Ohio Family and Children First Cabinet Council to work with key stakeholders to develop placement and treatment solutions for children with developmental or intellectual challenges and high acuity behaviors, with particular focus on solutions aimed at ensuring that no child will be required to sleep at a local government agency or wait in a hospital with no access to treatment due to lack of appropriate placement or treatment. The key stakeholders include 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 the County Commissioners Association of Ohio.

Annual report

The Cabinet Council must report these solutions to the General Assembly for immediate action within 12 months of the bill's effective date. Additionally, the Cabinet Council must

report updated solutions every year thereafter. The report must be provided in accordance with continuing law governing the submission of reports to the General Assembly.¹

Licensure of emergency placement facilities

Rule adoption

The bill requires the Department of Job and Family Services (ODJFS)², in consultation with the Department of Mental Health and Addiction Services (OhioMHAS), the Department of Developmental Disabilities (ODODD), and any other agency ODJFS deems appropriate, to establish in rules a streamlined process for licensure of emergency placement facilities. The rules must, to the extent possible, use qualifications and processes of licenses issued by OhioMHAS, ODJFS, and ODODD that emergency placement applicants already hold. Further, the rules must minimize duplicate efforts by applicants in applying for emergency placement facility licenses. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119) not later than six months after the bill becomes effective. A regulatory restriction adopted by rule under the bill is exempt from the regulatory reduction requirements in continuing law.³

Facility specifications

All of the following apply to an emergency placement facility licensed under the bill:

- May accept a child for placement if the child is in the temporary or permanent custody of a public children services agency or Title IV-E agency.
- Must complete an assessment of the child's immediate needs within 72 hours of placement.
- Cannot reject a placement request or discharge a placed child based on the child's behavior, treatment needs, or previous history.
- May reject a placement request due to capacity or staffing of the facility.
- Cannot accept a child for placement if the child's immediately preceding placement was at another emergency placement facility.⁴

Definitions

The bill defines the following terms:

¹ R.C. 121.377.

² H.B. 33 of the 135th General Assembly, the biennial budget bill, transferred many ODJFS duties to the newly created Department of Children and Youth (ODCY) on January 1, 2025, including responsibility for child welfare matters.

³ R.C. 5101.91(B) and (D).

⁴ R.C. 5101.91(C).

- “Child” is an individual who is under 18 years of age or, if the individual has a physical or mental impairment or mental or psychological disorder or condition, under 21 years of age.
- “Emergency placement facility” is a stand-alone residential facility, or designated beds within a residential facility, that provides immediate short-term placement of no longer than 14 days for children as described in “**Facility specifications**” above.⁵

HISTORY

Action	Date
Introduced	04-30-24

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⁵ R.C. 5101.91(A).