

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 392

Representatives Grossman, Combs

**Cosponsors: Representatives Pelanda, Garland, Stinziano, Maag, Yuko,
Boyd, Hagan, C., Letson, Hall**

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To enact sections 5103.24, 5103.241, 5103.25, and 1
5103.26 of the Revised Code to prohibit a public 2
children services agency, private child placing 3
agency, private noncustodial agency, or juvenile 4
court from placing an abused, neglected, or 5
dependent child in an out-of-state residential 6
facility that does not comply with Ohio policies 7
regarding client rights, use of restraints and 8
isolation or seclusion, agency reporting 9
requirements, and behavior intervention and 10
discipline policies. 11

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

Section 1. That sections 5103.24, 5103.241, 5103.25, and 12
5103.26 of the Revised Code be enacted to read as follows: 13

Sec. 5103.24. As used in this section and sections 5103.241, 14
5103.25, and 5103.26 of the Revised Code, "residential facility" 15
has the same meaning as in section 5103.20 of the Revised Code. 16

No public children services agency, private child placing 17
agency, private noncustodial agency, or juvenile court shall place 18

an abused, neglected, or dependent child in a residential facility 19
located in another state unless the residential facility complies 20
with all of the core standards established pursuant to section 21
5103.26 of the Revised Code that apply to a facility of that type. 22

Sec. 5103.241. (A) Not later than one year after the 23
effective date of this section, and each year thereafter, the 24
department of job and family services shall prepare a report that 25
includes all of the following information: 26

(1) The number of abused, neglected, or dependent children 27
who have been placed in residential facilities located in other 28
states; 29

(2) The names of the agencies or courts that placed those 30
children; 31

(3) The names of the residential facilities in which those 32
children were placed. 33

(B) The report shall not contain any information that 34
identifies the children. 35

(C) The department shall submit a copy of each report to the 36
governor and, in accordance with section 101.68 of the Revised 37
Code, the general assembly. Copies of the report shall be made 38
available to the public on request. 39

Sec. 5103.25. A contract between a public children services 40
agency, private child placing agency, private noncustodial agency, 41
or juvenile court and a residential facility located in another 42
state regarding the placement of an abused, neglected, or 43
dependent child shall include all of the following: 44

(A) The core standards established pursuant to section 45
5103.26 of the Revised Code governing client rights, use of 46
restraints and isolation or seclusion, agency reporting 47

requirements, and behavior intervention and discipline policies; 48

(B) A requirement that the residential facility annually 49
report to the agency or court how it demonstrates compliance with 50
the core standards; 51

(C) A requirement that the residential facility notify the 52
agency or court when its licensure or certification status changes 53
or when it is the subject of a substantiated finding or penalty. 54

Sec. 5103.26. (A) As used in this section: 55

(1) "Prone restraint" means all items or measures, including 56
physical or mechanical restraints, used to limit or control the 57
movement or normal functioning of any portion, or all, of a 58
person's body while the person is in a facedown position for an 59
extended period of time. 60

(2) "Transitional hold" means brief physical positioning of a 61
person facedown for the purpose of quickly and effectively gaining 62
physical control of that person in order to prevent harm to the 63
person or others, or prior to transport to enable the person to be 64
transported safely. 65

(B) The department of job and family services shall, not 66
later than ninety days after the effective date of this section, 67
adopt rules in accordance with Chapter 119. of the Revised Code 68
that establish core standards for client rights, use of restraints 69
and isolation or seclusion, agency reporting requirements, and 70
behavior intervention and discipline policies that apply to the 71
placement of an abused, neglected, or dependent child in a 72
residential facility located in another state. The rules shall 73
include core standards that do all of the following: 74

(1) Incorporate rules adopted by the department of job and 75
family services pursuant to sections 5103.03 and 5103.0316 of the 76
Revised Code, the department of alcohol and drug addiction 77

services pursuant to sections 3793.02 and 3793.06 of the Revised Code, the department of developmental disabilities pursuant to sections 5123.19 and 5126.08 of the Revised Code, and the department of mental health pursuant to sections 5119.01, 5119.22, and 5119.61 of the Revised Code that relate to client rights, use of restraints and isolation or seclusion, agency reporting requirements, and behavior intervention and discipline policies;

(2) Prohibit the use of the prone restraint;

(3) Permit the use of the transitional hold only when all of the following conditions are met:

(a) The transitional hold is applied by staff with current training on the safe use of this procedure, including how to recognize and respond to signs of distress in the child;

(b) The transitional hold is applied in a manner that does not compromise breathing, including the compromise that occurs with the use of any of the following:

(i) Pressure or weight bearing on the back;

(ii) Soft devices such as pillows under a child's face or upper body;

(iii) The placement of a child's or staff's arms under the child's head, face, or upper body.

(c) The transitional hold is applied only for the amount of time reasonably necessary to bring the child or situation under control and ensure the safety of those involved;

(d) The transitional hold is applied with consistent and frequent monitoring during and after its use to ensure that the child is safe and suffers no harm.

(4) Prohibit other types of physical restraint unless there is a risk of escape or harm to the child or others;

(5) Prohibit the use of hand cuffs, ankle cuffs, or similar

<u>devices on children;</u>	108
<u>(6) Prohibit the use of physical or chemical restraint,</u>	109
<u>medication, or isolation for any of the following purposes:</u>	110
<u>(a) As punishment;</u>	111
<u>(b) For staff convenience;</u>	112
<u>(c) As a substitute for treatment.</u>	113
<u>(7) Prohibit the use of physical or chemical restraint,</u>	114
<u>medication, or isolation that is excessive or in a quantity that</u>	115
<u>precludes habilitation and treatment.</u>	116
Section 2. Section 5103.25 of the Revised Code, as enacted by	117
this act, applies in the following manner to contracts regarding	118
the placement of abused, neglected, or dependent children in	119
residential facilities located in other states:	120
(A) The provisions of that section apply to all new contracts	121
entered into on or after the date that is one hundred twenty days	122
after the effective date of this act.	123
(B) In the case of an existing contract that was entered into	124
before the effective date of this act or is entered into during	125
the period beginning on the effective date of this act and ending	126
on the one hundred nineteenth day after the effective date of this	127
act, the provisions of that section apply to the contract on the	128
earlier of the following:	129
(1) The date when the contract is renewed;	130
(2) The date that is four hundred fifty days after the	131
effective date of this act.	132