



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2017-05K

The Emergency Amendment of Rule 4123-6-08 of the Ohio Administrative Code
by the Bureau of Workers' Compensation.

WHEREAS, the federal Health Insurance Portability and Accountability Act ("HIPAA") requires the use of a nationally standardized coding system; and

WHEREAS, the Healthcare Common Procedural Coding System ("HCPCS") is the national standard code set for reporting medical supplies and procedures on claims or invoices; and

WHEREAS, the federal Centers for Medicare and Medicaid Services ("CMS"), in conjunction with the American Medical Association and other professional groups, updates HCPCS annually; and

WHEREAS, the Bureau of Workers' Compensation ("BWC") administers the Health Partnership Program ("HPP"); and

WHEREAS, insofar as HCPCS codes or descriptions are incorporated into the Ohio Administrative Code ("OAC") governing HPP, changes made to HCPCS necessitate corresponding changes in OAC rules; and

WHEREAS, annual HCPCS updates are implemented industry-wide on January 1 of each year, but they are published only about five weeks in advance, in the late fall of the preceding year; and

WHEREAS, due to the timing of publication of HCPCS coding updates, it is impossible for BWC to make the necessary changes to the OAC through the regular rule-filing process; and

WHEREAS, to ensure timely implementation of the HCPCS updates, BWC must amend the OAC rule that governs the HPP program so that the amendments become effective on January 1, 2018; and

WHEREAS, section 4121.441 of the Ohio Revised Code authorizes BWC to promulgate rules for HPP; and

WHEREAS, division (G) of section 119.03 of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to suspend the normal rule-making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption,

amendment, or rescission of such rules; when such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are valid only for one hundred twenty (120) days; and

WHEREAS, BWC has requested a determination whether an emergency exists that requires the January 1, 2018, amendment of rule 4123-6-08 of the OAC on an emergency basis that would therefore permit BWC, pursuant to section 4121.441 of the Ohio Revised Code, to implement the HCPCS updates in a timely manner.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of BWC that an emergency exists requiring the adoption of an amendment of rule 4123-6-08 of the OAC so that the rule will be in effect on January 1, 2018.

Furthermore, I hereby order that the procedures prescribed by section 119.03 of the Ohio Revised Code with respect to the amendment of such specified rules be suspended and that BWC be permitted to amend these rules with an effective date of January 1, 2018, by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Furthermore, I hereby order that this Executive Order be filed in electronic form with BWC, the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on December 22, 2017, in Columbus, Ohio, and it will expire one hundred twenty (120) days from the effective date of the emergency rules, or upon the adoption of the aforementioned rules as permanent rules through the normal JCARR process, whichever is sooner.



A handwritten signature in blue ink, appearing to read "John R. Kasich", is written over a horizontal line. The signature is stylized and cursive.

John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State