



**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

### **Executive Order 2012-19K**

The Emergency Amendment of Rules 4123-6-08, 5101:3-1-60, 5101:3-2-21, 5101:3-4-06, 5101:3-4-12, 5101:3-4-19, 5101:3-4-22, 5101:3-4-29, 5101:3-4-33, 5101:3-5-04, 5101:3-8-05, and 5101:3-21-02.3 of the Ohio Administrative Code by the Bureau of Workers' Compensation and the Office of Medical Assistance

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

**WHEREAS**, the Healthcare Common Procedural Coding System ("HCPCS") is a medical procedure coding system that is the national standard for reporting medical services for billing and claims payment purposes.

**WHEREAS**, the federal Centers for Medicare and Medicaid Services, in conjunction with the American Medical Association and other professional groups, updates the HCPCS coding system on an annual basis.

**WHEREAS**, the annual HCPCS updates are not released to health plans until late fall, but are implemented industry-wide on January 1 of each year.

**WHEREAS**, the Office of Medical Assistance ("OMA") and the Bureau of Workers' Compensation ("BWC") implement the annual HCPCS updates for the OMA Medicaid program and the BWC Health Partnership Program ("HPP") through changes in the Ohio Administrative Code ("OAC") because HCPCS codes are included in OAC rules that govern the Medicaid program and the HPP.

**WHEREAS**, due to the timing of the release of HCPCS coding updates, BWC and OMA are unable to implement the updates on a timely basis through the regular rule-filing process.

**WHEREAS**, in order for BWC and OMA to implement the HCPCS updates by January 1, 2013, the OAC rules that govern the Medicaid program and the HPP must be amended immediately.

**WHEREAS**, Sections 4121.441 and 5111.02 of the Ohio Revised Code authorize BWC and OMA to promulgate rules relating to the HPP and the Medicaid program, respectively.

**WHEREAS**, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on 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 only valid for ninety (90) days.

**WHEREAS**, OMA has requested a determination whether an emergency exists that requires the immediate amendment of Rules 5101:3-1-60, 5101:3-2-21, 5101:3-4-06, 5101:3-4-12, 5101:3-4-19, 5101:3-4-22, 5101:3-4-29, 5101:3-4-33, 5101:3-5-04, 5101:3-8-05, and 5101:3-21-02.3 of the Ohio Administrative Code in order for OMA, pursuant to Section 5111.02 of the Ohio Revised Code, to immediately amend the rules to implement the HCPCS updates.

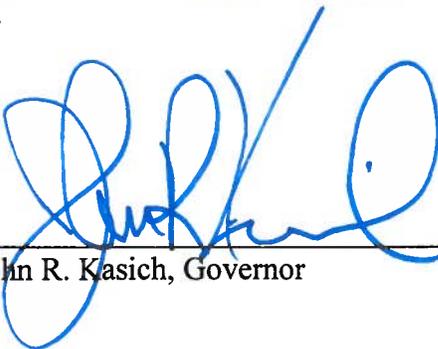
**WHEREAS**, BWC has requested a determination whether an emergency exists that requires the immediate amendment of Rule 4123-6-08 of the Ohio Administrative Code in order for BWC, pursuant to Section 4121.441 of the Ohio Revised Code, to immediately amend the rule to implement the HCPCS updates.

**NOW THEREFORE**, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of OMA and BWC, that an emergency exists requiring the immediate amendment of Rules 4123-6-08, 5101:3-1-60, 5101:3-2-21, 5101:3-4-06, 5101:3-4-12, 5101:3-4-19, 5101:3-4-22, 5101:3-4-29, 5101:3-4-33, 5101:3-5-04, 5101:3-8-05, and 5101:3-21-02.3 of the Ohio Administrative Code. Further, 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 OMA and BWC be permitted to amend their respective rules by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with OMA, 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 19, 2012 in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.



  
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John R. Kasich, Governor

ATTEST:

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Jon Husted, Secretary of State