



**TED STRICKLAND**  
GOVERNOR  
STATE OF OHIO

## **Executive Order 2009 – 21S**

### **Immediate Adoption of a Rule Regarding the Open Enrollment Health Insurance Program**

- 1. Ohio's New Law Amending the Open Enrollment Health Insurance Program Calls for Implementing a Rule.** The Open Enrollment Health Insurance Program is a state-mandated program that allows all Ohioans who cannot otherwise obtain health insurance to get basic health coverage through private insurers. Recently enacted Ohio law allows the superintendent of insurance to promulgate a rule providing: 1) requirements for adequate notice by carriers to consumers of the availability and premium rates of open enrollment coverage; and 2) reporting and data collection requirements for implementation of the Open Enrollment Health Insurance Program to evaluate the performance of the program and the market for health insurance for individuals in this state. The adoption of this rule will help Ohioans in need of this coverage option by providing them with timely information regarding rates and availability.
- 2. Rule Must be in Effect Before the Next Open Enrollment period begins January 1, 2010.** In order for carriers to provide the information necessary to apprise consumers of the new changes in the Open Enrollment Health Insurance Program in time for the next open enrollment period beginning January 1, 2010, a rule outlining the information and format for the information must be in effect immediately.
- 3. Procedure for Immediate Enactment of Rule Changes.** Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of an agency, to suspend the normal rule-making procedures with respect to a specific rule when an emergency exists necessitating the immediate adoption, amendment or rescission of the rule. When such a determination is made, the agency may immediately adopt, amend, or rescind a rule, but the rule is valid only for 90 days.

4. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process when the failure to act immediately would negatively impact the citizens of Ohio. The Ohio Department of Insurance (ODI) has asked me to determine, and I have determined, that the failure to immediately implement a new Open Enrollment Health Insurance Program rule would likely result in Ohioans being denied information necessary to make timely informed decisions about their health insurance coverage and plan properly for their payment of health insurance premiums necessary to assure coverage for themselves and their families. Therefore, an emergency exists necessitating the immediate adoption of an administrative rule in this regard.
  
5. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the adoption of rule 3901-8-12 of the Ohio Administrative Code. This rule will be electronically filed by ODI with the Secretary of State, the Director of Legislative Services Commission and the Joint Committee on Agency Rule Review. ODI may, therefore, adopt this rule immediately.
  
6. I signed this Executive Order on October 20, 2009, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect, January 18, 2010.



*Ted Strickland*  
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Ted Strickland, Governor

ATTEST:

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Jennifer Brunner, Secretary of State