



**TED STRICKLAND**  
GOVERNOR  
STATE OF OHIO

## **Executive Order 2009 – 19S**

### **Immediate Amendment of Rules Regarding Medicaid Hospital Services to Comply with Ohio law**

1. **Administration of Rate-Setting for Hospital Reimbursement.** The Ohio Department of Job and Family Services (“ODJFS”) is responsible for setting the Medicaid reimbursement rates paid to hospitals.
2. **Amended Rules Are Needed.** Ohio’s Fiscal Year 2010-2011 budget law (“new budget law”) requires ODJFS to amend Ohio’s Administrative Rules to increase reimbursement rates for Medicaid-covered inpatient and outpatient hospital services by five percent for the period beginning October 1, 2009, and ending June 30, 2011.
3. **Making the Amended Rules Effective on October 1, 2009.** There is insufficient time to promulgate the amended rules through the normal rule-making process and have them effective October 1, 2009, as the new budget law was signed on July 17, 2009. Until permanent changes to the Administrative Rules can be implemented, it is necessary to file the rule amendments on an emergency basis.
4. **Procedure for Immediate Enactment of Rule Changes.** 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 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 that rule, but the rule is valid for only ninety (90) days.
5. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process to allow ODJFS to implement the increase in Medicaid-covered inpatient and outpatient

hospital reimbursement rates in light of the new budget law. ODJFS has asked me to determine, and I have determined, that the failure to adopt an immediate rule change implementing the increase to hospital inpatient and outpatient rates on October 1, 2009, will prevent ODJFS from complying with the requirements of new budget law passed by the 128<sup>th</sup> General Assembly which granted the rate increase in inpatient and outpatient hospital rates. Furthermore, the failure to pay the required rates may result in Ohioans not receiving the hospital services to which they are entitled under the law. Therefore, an emergency exists necessitating the immediate amendment of the administrative rules in this regard.

6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the amendment of rules 5101:3-2-07.4 and 5101:3-2-21 of the Ohio Administrative Code. These rules will be electronically filed by ODJFS with the Ohio Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review. ODJFS may, therefore, amend these rules immediately.
7. I signed this Executive Order on September 30, 2009, in Columbus, Ohio and it will expire at the end of the ninetieth day it is in effect, December 29, 2009.

  
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Ted Strickland, Governor



ATTEST:

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Jennifer Brunner, Secretary of State