



**TED STRICKLAND**  
GOVERNOR  
STATE OF OHIO

## **Executive Order 2008 – 14S**

### **Immediate Amendment of Rules to Adjust the Rates of Reimbursement for Home and Community Based Medical Services**

- 1. Setting Maximum Reimbursement Rates for Services Provided Under PASSPORT and Choices.** The Ohio Department of Job and Family Services (ODJFS) is the State's single agency for administering Ohio's Medicaid Program. PASSPORT and Choices are two Medicaid programs that allow recipients who would otherwise require long-term care in a nursing facility to instead receive home and community-based services. As part of its administrative duties, ODJFS is responsible for setting the maximum reimbursement rates paid to providers of services under the PASSPORT and Choices programs.
- 2. Increasing Reimbursement Rates to Ensure Access to Qualified Providers.** Ohio law permits a 3% increase in the maximum reimbursement rate beginning in State Fiscal Year 2009. By increasing the maximum reimbursement rates for services provided under PASSPORT and Choices, ODJFS will ensure that providers of these services are adequately compensated, which will mean that they will continue to offer their services. As a result, Medicaid consumers will retain access to an established pool of qualified providers, and Ohio will maintain its commitment to providing home and community-based alternatives to nursing homes.
- 3. Making the Amended Rules Effective on July 1, 2008.** In order to ensure that the new reimbursement rates are effective at the beginning of State Fiscal Year 2009, amendment of rules in the Ohio Administrative Code must occur immediately.

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 rulemaking 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 adoption, amendment, or rescission is valid for only ninety (90) days.
  
5. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rulemaking process when failure to act immediately would negatively impact the citizens of Ohio. ODJFS has asked me to determine, and I have determined, that the failure to immediately amend the rules relating to the rates of reimbursement for providers of PASSPORT and Choices services will negatively impact many Ohio citizens who rely on these services, by failing to ensure that they have access to the highest-quality providers. Therefore, an emergency exists necessitating the immediate amendment of administrative rules in this regard.
  
6. **Authorization for Immediate Rule Amendment.** Accordingly, the normal rulemaking procedures are suspended with respect to the amendment of Rules 5101:3-1-06.1 and 5101:3-1-06.4 of the Ohio Administrative Code, which will adjust the reimbursement rates for PASSPORT and Choices services by no more than 3%. ODJFS has electronically filed these amended rules with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review. ODJFS may, therefore, adopt these amended rules immediately.

7. I signed this Executive Order on July 1, 2008. It will expire at the end of the ninetieth day it is in effect, September 29, 2008.



*Ted Strickland*  
Ted Strickland, Governor

ATTEST:

\_\_\_\_\_  
Jennifer Brunner, Secretary of State