



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2016-02K

The Emergency Amendment of Rule 5160-8-05
of the Ohio Administrative Code by the Ohio Department of Medicaid

WHEREAS, the Ohio Department of Medicaid (“ODM”) administers the Medicaid program; and

WHEREAS, ODM sets forth provisions governing payment for mental health services provided by certain licensed professionals in non-institutional settings; and

WHEREAS, "mental health service" is a service or procedure that is performed for the diagnosis and treatment of mental, behavioral, or emotional disorders by a licensed professional or under the supervision of a licensed professional; and

WHEREAS, ODM has been collaborating with numerous stakeholders, including over 100 Behavioral Health providers, who support the addition of Licensed Independent Chemical Dependency Counselors as eligible Medicaid providers; and

WHEREAS, Centers for Medicaid and Medicare (“CMS”) approved a State Plan Amendment to allow the addition of Licensed Independent Chemical Dependency Counselors as eligible Medicaid providers with an effective date of July 1, 2016; and

WHEREAS, to ensure complete implementation on July 1, 2016, ODM must amend Ohio Administrative Code Section 5160-8-05 to be effective on that date; and

WHEREAS, because stakeholder feedback on the proposed rule amendment did not culminate until March of 2016, there is insufficient time for ODM to complete the regular rule filing process to allow the amended rule to become effective on July 1, 2016; and

WHEREAS, Section 5164.02 of the Ohio Revised Code authorizes ODM to promulgate rules for the Medicaid program; 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 recession of such rules, and when such a determination is made, the agency may immediately adopt, amend or rescind such rules, but the rules are valid only for 120 days; and

WHEREAS, ODM has requested a determination whether an emergency exists that requires the amendment of Rule 5160-8-05 of the Ohio Administrative Code (“OAC”) and that would, therefore, permit ODM, pursuant to Sections 119.03(G) and 5164.02 of the Ohio Revised

Code, to amend this rule to ensure the amendment becomes effective on July 1, 2016, such that the implementation of the rule matches the State Plan Amendment effective date.

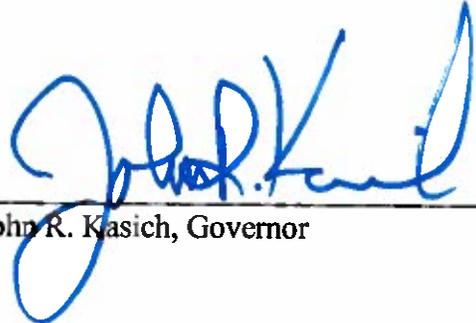
NOW THEREFORE, I John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODM, that an emergency exists requiring the amendment of Rule 5160-8-05 of the OAC in a manner that allows the rule to be effective immediately on July 1, 2016.

Furthermore, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment of the specified rule be suspended and that ODM be permitted to amend Rule 5160-8-05 of the OAC with an effective date of July 1, 2016, by filing it electronically with the Secretary of State, the Director of Legislative Service Commission, and the Joint Committee on Agency Rule Review ("JCARR").

Furthermore, I hereby order that this Executive Order be filed in electronic form with ODM, the Secretary of State, The Director of the Legislative Service Commission and JCARR.

I signed this Executive Order on June 21, 2016 in Columbus, Ohio, and it will expire one hundred twenty days (120) from the effective date of the emergency rule, or upon the amendment of that rule through the normal JCARR process, whichever is sooner.





John R. Kasich, Governor

ATTEST:

John Husted, Secretary of State