



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-20K

The Emergency Amendment of Rules 5101:3-2-08.1 and 5101:3-2-30 of the Ohio Administrative Code by the Ohio Department of Job and Family Services

WHEREAS, pursuant to Am. Sub. H.B. No. 153 of the 129th General Assembly (“H.B. 153”), changes to the Ohio Hospital Franchise Fee (HFF) program were made requiring the Ohio Department of Job and Family Services (ODJFS) to establish the assessment rates for the 2012 HFF program year and allow hospitals additional time before making their first assessment during the 2012 program year.

WHEREAS, based on the changes made in H.B. 153 to the HFF program, separate changes to the Ohio Hospital Care Assurance Program (HCAP) are needed to enable ODJFS to expediently distribute state and federal funding to hospitals to reimburse them for their uncompensated costs in treating indigent and uncovered patients during the 2011 HCAP year.

WHEREAS, the combined effect of these changes will be to distribute \$545.1 million in disproportionate share hospital funding to hospitals and to lessen any cash flow difficulties to hospitals as they pay the HFF assessment for the 2012 HFF program year.

WHEREAS, the statutory revisions to the HFF program made in H.B. 153 do not take effect until September 29, 2011, and thus ODJFS does not have sufficient time to implement changes for the 2012 HFF program year via the procedures prescribed by Section 119.03 of the Ohio Revised Code before the first 2012 HFF assessment payment would otherwise come due.

WHEREAS, Sections 5111.02, 5112.03, 5112.06, 5112.43 and 5112.46 of the Ohio Revised Code authorize ODJFS and its Director to promulgate rules for the administration of HCAP and the HFF program.

WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to determine that an emergency exists necessitating the immediate adoption, amendment, or rescission of an agency rule.

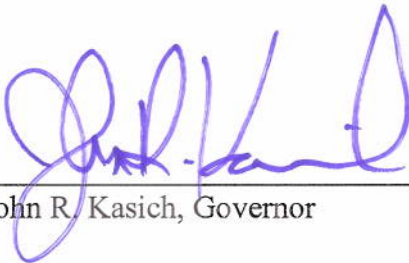
WHEREAS, ODJFS has requested a determination whether an emergency exists that requires the immediate amendment of Rules 5101:3-2-08.1 and 5101:3-2-30 of the Ohio Administrative Code in order for ODJFS, pursuant to Sections 5111.02, 5112.03, 5112.06, 5112.43 and 5112.46 of the Ohio Revised Code, to make emergency changes to the rules to set the assessment rates for the 2011 HCAP and 2012 HFF program and to set the payment schedule for the 2012 HFF program year.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODJFS, that an emergency exists requiring the immediate amendment of Rules 5101:3-2-08.1 and 5101:3-2-30 of the Ohio Administrative Code by ODJFS. 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 ODJFS be permitted to immediately amend these 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 ODJFS, 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 September 26, 2011 in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State