



JOHN R. KASICH  
GOVERNOR  
STATE OF OHIO

### **Executive Order 2011-25K**

The Emergency Amendment of Rule 3701-63-02 of the Ohio Administrative Code  
by the Ohio Department of Health

**WHEREAS**, Amended Substitute House Bill Number 153 of the 129th General Assembly (“H.B. 153”) changes the informal dispute resolution (“IDR”) process to require the Ohio Department of Health (“ODH”) to provide for an independent informal dispute resolution (“IIDR”) upon payment of a fee to ODH.

**WHEREAS**, the implementation of the IIDR process by H.B. 153 requires amendment of Rule 3701-63-02 of the Ohio Administrative Code for ODH to establish procedures and fees for the IIDR process.

**WHEREAS**, the statutory revisions implementing the IIDR process took effect September 29, 2011, and ODH has not had sufficient time to amend the affected rule via the procedures described by Section 119.03 of the Ohio Revised Code before a facility may select the IIDR process and thus owe a fee to ODH.

**WHEREAS**, Section 3721.022 of the Ohio Revised Code authorizes ODH to promulgate rules for serving as the state survey agency for purposes of Titles XVIII and XIX of the “Social Security Act,” 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, including the IDR and IIDR processes.

**WHEREAS**, Section 119.03(F) 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 rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for ninety (90) days.

**WHEREAS**, ODH has requested a determination whether an emergency exists that requires the immediate amendment of Rule 3701-63-02 of the Ohio Administrative Code in order for ODH, pursuant to Section 3721.022 of the Ohio Revised Code, to make emergency changes that establish the procedures and fees for the IIDR process.


**NOW THEREFORE**, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODH, that an emergency exists requiring the immediate amendment of Rule 3701-63-02 of the Ohio Administrative Code by ODH. 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 rule be suspended and ODH be permitted to immediately amend this rule by electronically filing it 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 ODH, 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 October 27, 2011 in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.



  
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John R. Kasich, Governor

ATTEST:

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Jon Husted, Secretary of State