



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-26K

The Emergency Rescission of Existing Rule 5101:3-27-02, Adoption of New Rule 5101:3-27-02, and Amendment of Rule 5101:3-30-04 of the Ohio Administrative Code
by the Ohio Department of Job and Family Services.

WHEREAS, the Ohio Department of Mental Health (ODMH) and Ohio Department of Alcohol and Drug Addiction Services (ODADAS) administer Medicaid covered behavioral health services provided at the community level. Service coverage requirements and reimbursement rates are addressed in rules promulgated by the Ohio Department of Job and Family Services (ODJFS).

WHEREAS, with the passage of Amended Substitute House Bill Number 153 of the 129th General Assembly (H.B. 153), amendments to the Ohio Administrative Code implementing revisions to service coverage requirements and reimbursement rates for behavioral health services are necessary.

WHEREAS, the changes needed to these rules must be effective immediately in accordance with H.B. 153.

WHEREAS, Section 5111.02 of the Ohio Revised Code authorizes ODJFS to promulgate rules relating to the provision of Medicaid-reimbursed behavioral health services administered by the ODHM and ODADAS.

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.

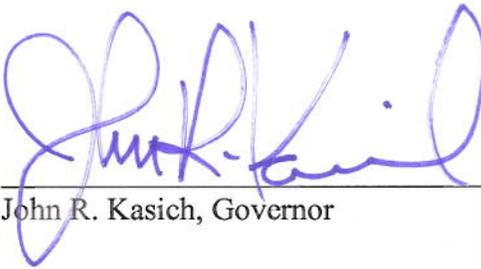
WHEREAS, ODJFS has requested a determination whether an emergency exists that requires the immediate (i) rescission of existing Rule 5101:3-27-02, (ii) adoption of new Rule 5101:3-27-02, and (iii) amendment of Rule 5101:3-30-04 of the Ohio Administrative Code in order for ODJFS, pursuant to Section 5111.02 of the Ohio Revised Code, to make changes to the provision on community behavioral health services and implement a prior authorization process.

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 (i) rescission of existing Rule 5101:3-27-02, (ii) adoption of new Rule 5101:3-27-02, and (iii)

amendment of Rule 5101:3-30-04 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 rescission, adoption and amendment of these rules be suspended and ODJFS be permitted to immediately rescind existing Rule 5101:3-27-02, adopt new Rule 5101:3-27-02 and amend Rule 5101:3-30-04 of the Ohio Administrative Code 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 November 1, 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