



**JOHN R. KASICH**  
GOVERNOR  
STATE OF OHIO

### **Executive Order 2011-29K**

The Emergency Amendment of Rule 5101:3-4-01 of the Ohio Administrative Code  
by the Ohio Department of Job and Family Services

**WHEREAS**, certain provisions of the American Recovery and Reinvestment Act of 2009 (ARRA, Pub. L. No. 111-5) establish incentive payments for the adoption and meaningful use of certified electronic health record (EHR) technology.

**WHEREAS**, the Ohio Department of Job and Family Services (ODJFS) will administer such incentive payments for Medicaid providers in accordance with Section 4201 of ARRA and the regulations published at 42 C.F.R. Part 495.

**WHEREAS**, ODJFS intends to more clearly set forth which providers of physician services are eligible to receive an incentive payment for calendar year 2011 if they adopt, and meaningfully use, EHR technology.

**WHEREAS**, Section 5111.02 of the Ohio Revised Code authorizes ODJFS to promulgate rules for the administration of the Medicaid program.

**WHEREAS**, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on 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 amendment of Rule 5101:3-4-01 of the Ohio Administrative Code in order for ODJFS, pursuant to Section 5111.02 of the Ohio Revised Code, to immediately amend the rule, which will allow for the more expansive use of EHR through the award of the ARRA incentive payments.

**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 Rule 5101:3-4-01 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 the specified rule be suspended and ODJFS be permitted to amend this rule immediately 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 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 December 2, 2011, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.

A handwritten signature in blue ink, appearing to read "John R. Kasich", is written above a horizontal line.

John R. Kasich, Governor

ATTEST:

---

Jon Husted, Secretary of State