



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2015-07K

The Emergency Amendment of Rules 5160-27-02 and 5160-27-05 of the Ohio Administrative Code
by the Ohio Department of Medicaid

WHEREAS, the Ohio Department of Medicaid (“ODM”), in consultation with the Ohio Department of Mental Health and Addiction Services (“ODMHAS”), sets the Medicaid policy for the health home program for behavioral health, which was intended to integrate participating Medicaid individuals’ mental and physical health care; and

WHEREAS, in October 2012, phase one of the program was implemented in five counties with the voluntary participation of six health home agencies; and

WHEREAS, Rules 5160-27-02 and 5160-27-05 currently require changes in the member eligibility and provider reimbursement policies for the program beginning July 1, 2015; and

WHEREAS, ODM, ODMHAS, and the Governor’s Office of Health Transformation over the past ten months have been planning a comprehensive redesign of Ohio’s Medicaid behavioral health benefit, with input from stakeholders, with a proposed implementation date during the state fiscal biennium that begins on July 1, 2015; and

WHEREAS, as a result of that planning and input, ODM and ODMHAS have determined that continuing the current member eligibility and provider reimbursement policies is beneficial to the individuals in the program and the providers that serve them; and

WHEREAS, to ensure continuation of the coverage and reimbursement policies beyond June 30, 2015, ODM must immediately amend the rules 5160-27-02 and 5160-27-05, but there is insufficient time for ODM to do so through the regular rule filing process; 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 rescission 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 immediate amendment of rules 5160-27-02 and 5160-27-05 of the Ohio Administrative Code and that would, therefore, permit ODM, pursuant to sections 119.03(G) and 5164.02 of the Ohio Revised Code, immediately to amend these rules to allow for the continuation of the current health home eligibility policy and provider reimbursement policy.

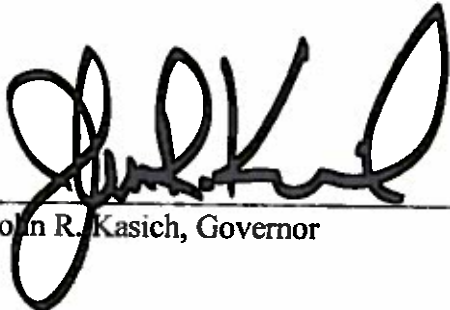
NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODM, that an emergency exists requiring the immediate amendment of rules 5160-27-02 and 5160-27-05 of the Ohio Administrative Code.

Furthermore, 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 that ODM be permitted to amend its rules by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

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 the Joint Committee on Agency Rule Review.

I signed this Executive Order on June 30, 2015, in Columbus, Ohio, and it will expire at the end of the one-hundred-twentieth day on which it is in effect.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State