



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2017-04K

The Emergency Amendment of Rules 5160-27-02, 5160-27-03, 5160-27-05, and 5160-8-05 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), establishes policy for Medicaid-covered behavioral health services; and

WHEREAS, ODM, ODMHAS, and the Governor's Office of Health Transformation intend to implement, effective January 1, 2018, a comprehensive modernization of Medicaid coverage and policy for behavioral health services, commonly known as behavioral health redesign, that will replace the current policy; and

WHEREAS, division (C) of section 333.260 of Am. Sub. H.B. 49 of the 132nd General Assembly required ODM to adopt rules no later than October 1, 2017 to implement behavioral health redesign; and

WHEREAS, ODM did meet the requirements set in division (C) of section 333.260 of Am. Sub. H.B. 49 of the 132nd General Assembly; and

WHEREAS, as a result of stakeholder feedback, needed policy revisions which impact behavioral health redesign were identified after October 1, 2017; and

WHEREAS, implementing those revision requires an immediate amendment to rules 5160-27-02, 5160-27-03, 5160-27-05, and 5160-8-05 of the Ohio Administrative Code; and

WHEREAS, there is insufficient time for ODM to amend rules 5160-27-02, 5160-27-03, 5160-27-05, and 5160-8-05 of the Ohio Administrative Code through the regular rule filing process by January 1, 2018; 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 amendment of rules 5160-27-02, 5160-27-03, 5160-27-05, and 5160-8-05 of the Ohio Administrative Code on an emergency basis and that would therefore permit ODM, pursuant to sections 119.03(G) and 5164.02 of the Ohio Revised Code, to amend these rules to be effective on January 1, 2018, and that would therefore permit ODM to implement the behavioral health redesign on that date.

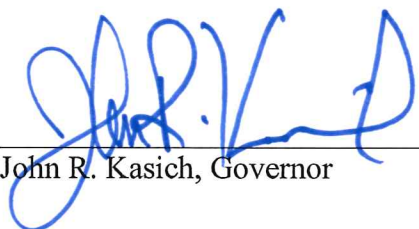
NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODM, that an emergency exists requiring the amendment of rules 5160-27-02, 5160-27-03, 5160-27-05, and 5160-8-05 of the Ohio Administrative Code on an emergency basis, so that the rules will be in effect on January 1, 2018.

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 to be effective on January 1, 2018, by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review ("JCARR").

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 JCARR.

I signed this Executive Order on December 18, 2017, in Columbus, Ohio, and it will expire one hundred twenty (120) days from the effective date of the emergency rules, or upon the amendment of all of those rules cited above through the normal JCARR process, whichever is sooner.





John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State