



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2011-16K

The Emergency Amendment of Rules 5101:3-31-07, 5101:3-32-07, 5101:3-1-06.1, 5101:3-1-06.4, 5101:3-1-06.5, 5101:3-36-01, 5101:3-36-02, and 5101:3-36-06 of the Ohio Administrative Code by the Ohio Department of Job and Family Services

WHEREAS, funding for services provided to consumers as alternatives to institutionalization in nursing homes resides in two state agencies, and, therefore, hinders the state's ability to meet consumer demand for lower cost community living programs. Obstacles that occur when consumers have to deal with two separate state agencies to obtain services have historically created a burden on consumers and can result in them being placed on waiting lists until funding for services is available.

WHEREAS, Am. Sub. H.B. No. 153 of the 129th General Assembly (H.B. 153) has consolidated funding for these programs into the budget of the Ohio Department of Job and Family Services. This change eliminates the need to transfer funds between state agencies and assures that monies are more readily available to deliver services in lower cost community living settings that are preferred by consumers.

WHEREAS, to help assure a balanced budget for the state, easing the administrative burden on program operations is being coupled with efforts to manage the expenditures for the following waiver programs: Preadmission screening system providing options and resources today (PASSPORT) as defined in Section 173.40 of the Ohio Revised Code; Choices, as defined in Section 173.403 of the Ohio Revised Code; and Assisted Living program, as defined in Section 5111.89 of the Ohio Revised Code. Components of this strategy are to reduce the maximum rate of reimbursement paid to PASSPORT, Choices, and Assisted Living waiver providers and to modify reimbursement practices when providers are serving more than one consumer at the same time.

WHEREAS, the maximum rate of reimbursement for services rendered through the PASSPORT, Choices and Assisted Living waiver programs is to be reduced as a result of funding available in H.B. 153. With the passage of H.B. 153, and pursuant to this Executive Order, amendments to the Ohio Administrative Code implementing the rate changes must be enacted with a July 1, 2011 effective date.

WHEREAS, Section 5111.85 of the Ohio Revised Code authorizes the Director of the Ohio Department of Job and Family Services (ODJFS) to promulgate rules relating to the PASSPORT, Choices and Assisted Living Medicaid waiver programs.

WHEREAS, Section 5111.02 of the Ohio Revised Code authorizes ODJFS to promulgate rules relating to the program of all-inclusive care for the elderly (PACE), as defined in Section 173.42 of the Ohio Revised Code.

WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to determine that an emergency exists necessitating the immediate adoption, amendment, or rescission of an agency rule.

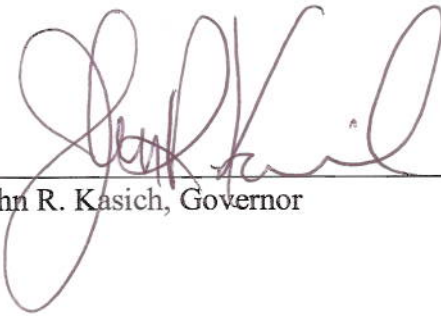
WHEREAS, ODJFS has requested a determination whether an emergency exists that requires the immediate amendment of Rules 5101:3-31-07, 5101:3-32-07, 5101:3-1-06.1, 5101:3-1-06.4, 5101:3-1-06.5, 5101:3-36-01, 5101:3-36-02, and 5101:3-36-06 of the Ohio Administrative Code in order for ODJFS, pursuant to Sections 5111.02 and 5111.85 of the Ohio Revised Code, to reduce the reimbursement rates for services delivered through the PASSPORT, Choices and Assisted Living waiver programs, modify reimbursement to providers that serve more than one consumer at the same time, and authorize ODJFS to pay PACE providers.

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 Rules 5101:3-31-07, 5101:3-32-07, 5101:3-1-06.1, 5101:3-1-06.4, 5101:3-1-06.5, 5101:3-36-01, 5101:3-36-02, and 5101:3-36-06 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 such specified rules be suspended and ODJFS be permitted to immediately amend these rules 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 June 30, 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