



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

**Executive Order 2018-07K**

The Emergency Amendment of Rule 5160-1-17.8 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 implemented, effective January 1, 2018, a comprehensive modernization of Medicaid coverage and policy for behavioral health services, commonly known as behavioral health redesign; and

**WHEREAS**, as an element of behavioral health redesign, behavioral health practitioners must be enrolled with ODM on and after July 1, 2018, to be eligible to provide Medicaid-funded services; and

**WHEREAS**, some behavioral health practitioners may have a past conviction that prevents them from being enrolled as a Medicaid provider under existing Rule 5160-1-17.8, which in its current form permanently excludes participation by any individual with a conviction enumerated under section 5164.34 of the Ohio Revised Code; and

**WHEREAS**, some behavioral health practitioners critical to the treatment of individuals with behavioral health disorders will no longer be employable if rule 5160-1-17.8 is not immediately amended; and

**WHEREAS**, sections 5160.02 and 5164.02 of the Ohio Revised Code authorize ODM to promulgate rules for the Medicaid program, and section 5164.34 of the Ohio Revised Code authorizes ODM to adopt an amendment to Rule 5160-1-17.8 which would permit individuals with past convictions to enroll with Ohio Medicaid as long as the conditions of the amended rule are met; and

**WHEREAS**, there is insufficient time for ODM to amend rule 5160-1-17.8 of the Ohio Administrative Code through the regular rule-filing process by July 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 rule 5160-1-17.8 of the Ohio Administrative Code on an emergency basis and that would therefore permit ODM, pursuant to sections 119.03(G), 5160.02, 5164.02 and 5164.34 of the Ohio Revised Code, to amend the rule to be effective on July 1, 2018, and that would therefore permit ODM to enroll peer supporters and other behavioral health providers consistent with the rule as of that date.

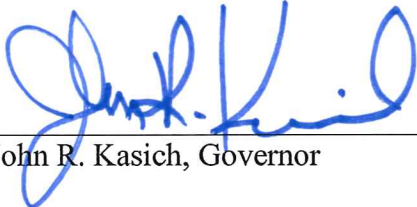
**NOW THEREFORE**, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of ODM, that an emergency exists requiring the amendment of rule 5160-1-17.8 of the Ohio Administrative Code on an immediate basis, so that the rule will be in effect on July 1, 2018.

Furthermore, I hereby order that the procedures prescribed by section 119.03 of the Ohio Revised Code with respect to the amendment of rule 5160-1-17.8 be suspended and that ODM be permitted to amend its rule to be effective on July 1, 2018, by filing it 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 June 29<sup>th</sup>, 2018, in Columbus, Ohio, and it will expire one hundred twenty (120) days from the effective date of the emergency rule, or upon the amendment of rule 5160-1-17.8 through the normal JCARR process, whichever is sooner.



  
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John R. Kasich, Governor

ATTEST:

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Jon Husted, Secretary of State