



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2021-17D

The Emergency Amendment of Rule 4123-6-08 of the Ohio Administrative Code by the Ohio Bureau of Workers' Compensation

WHEREAS, the Bureau of Workers' Compensation (BWC) administers the Health Partnership Program (HPP); and

WHEREAS, the federal Health Insurance Portability and Accountability Act (HIPAA) requires the use of a nationally standardized coding system; and

WHEREAS, the Healthcare Common Procedural Coding System (HCPCS) is the national standard code set for reporting medical supplies and procedures on claims or invoices; and

WHEREAS, insofar as HCPCS codes or descriptions are incorporated into the Ohio Administrative Code (OAC) governing HPP, changes made to HCPCS necessitate corresponding changes in OAC rules; and

WHEREAS, annual HCPCS updates are implemented industry-wide on January 1 of each year, but they are not published until the late fall of the preceding year; and

WHEREAS, because of the timing of publication of HCPCS coding updates, it is impossible for BWC to make the necessary changes to the OAC through the regular rule-filing process; and

WHEREAS, to ensure implementation of the HCPCS updates on January 1, 2022, BWC must immediately amend the OAC rule that governs the HPP program; and

WHEREAS, Section 4121.441 of the Ohio Revised Code authorizes BWC to promulgate rules for HPP; and

WHEREAS, Section 119.03(G) 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 one hundred and twenty (120) days; and

WHEREAS, BWC has requested a determination whether an emergency exists that requires the amendment of rule 4123-6-08 of the OAC on an emergency basis and that would therefore permit BWC, pursuant to Section 4121.441 of the Ohio Revised Code, to immediately amend this rule to implement the HCPCS updates.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of BWC, that an emergency exists requiring the immediate amendment of rule 4123-6-08 of the Ohio Administrative Code.

Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption or amendment of the specified rule be suspended and that the Ohio Bureau of Workers' Compensation be permitted to amend the rule immediately 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 the Ohio Bureau of Workers' Compensation, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on December 16, 2021, in Columbus, Ohio, and it will expire one hundred and twenty days (120) from the effective date of the emergency rule, or upon the adoption of the rule through the normal JCARR process, whichever is sooner.


Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

