



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2022-01D

The Emergency Adoption of Rules 5160-1-90 and 5160-1-91 of the Ohio Administrative Code
by the Ohio Department of Medicaid

WHEREAS, the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2 provides additional funding to states to support COVID-19 relief and recovery efforts; and

WHEREAS, the ARPA funding includes workforce incentive payments to expand and sustain the public health workforce as well as other relief; and

WHEREAS, the Ohio Department of Medicaid (ODM) administers the Medicaid program in Ohio and is authorized by the 134th General Assembly in Amended Substitute House Bill 169 to adopt rules to implement the ARPA funding; and

WHEREAS, ODM must immediately adopt Ohio Administrative Code rules that govern the payment process in order to quickly and efficiently distribute the funds to home- and community-based waiver providers and licensed residential care facilities; and

WHEREAS, without the emergency rules, ODM will be unable to distribute the funds quickly and efficiently to providers; 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, ODM has requested a determination whether an emergency exists that requires the adoption of rules 5160-1-90 and 5160-1-91 of the Ohio Administrative Code on an emergency basis and that would therefore permit ODM, pursuant to Amended Substitute House Bill 169 and section 5164.02 of the Ohio Revised Code, to immediately adopt these rules.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of ODM, that an emergency exists requiring the immediate adoption of rules 5160-1-90 and 5160-1-91 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 rules be suspended and that ODM be permitted to adopt the rules immediately 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 JCARR.

I signed this Executive Order on March 1, 2022, in Columbus, Ohio, and it will expire one hundred and twenty (120) days from the effective date of the emergency rules, or upon the adoption of the rules through the normal JCARR process, whichever is sooner.


Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

