



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2022-08D

The Emergency Adoption of Rule 5160-1-96 of the Ohio Administrative Code by the Ohio Department of Medicaid

WHEREAS, the Ohio Department of Medicaid (“ODM”) administers the Medicaid program in Ohio; and

WHEREAS, Title IV-E of the Social Security Act authorizes the federal-state foster care program; and

WHEREAS, the Ohio Department of Mental Health and Addiction Services (OhioMHAS) is authorized by section 5119.34 of the Ohio Revised Code to license residential treatment facilities; and

WHEREAS, ODM is authorized by section 5162.52 of the Ohio Revised Code to provide funding for programs that serve youth involved with multiple government agencies; and

WHEREAS, the funding authorized by section 5162.52 of the Ohio Revised Code enables ODM to support efforts for OhioMHAS-licensed residential treatment providers to maintain capacity and assure prioritized services for children in the care and placement responsibility or custody of a Title IV-E agency; and

WHEREAS, ODM must immediately adopt an Ohio Administrative Code rule that governs the payment process in order to quickly and efficiently distribute relief funds to OhioMHAS-licensed residential treatment providers for children in the care and placement responsibility or custody of a Title IV-E agency; and

WHEREAS, without the emergency rule, ODM will be unable to quickly and efficiently distribute relief funds to these 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

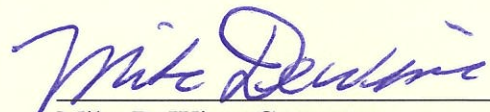
WHEREAS, ODM has requested a determination whether an emergency exists that requires the adoption of rule 5160-1-96 of the Ohio Administrative Code on an emergency basis and that would therefore permit ODM, pursuant to section 5162.02 of the Ohio Revised Code, to immediately adopt this rule.

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 rule 5160-1-96 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 of the specified rule be suspended and that ODM be permitted to adopt 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 ODM, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on April 29, 2022, in West Carrollton, Ohio, and it will expire one hundred and twenty (120) days 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

