



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2024-02D

The Emergency Amendment of Rule 4731-25-02 of the Ohio Administrative Code
by the State Medical Board of Ohio

WHEREAS, on January 5, 2024, I signed Executive Order 2024-01D, which adopted Ohio Administrative Code (OAC) rules 3701-59-06 and 3701-83-60 for the Ohio Department of Health through the emergency rule process; and

WHEREAS, OAC rules 3701-59-06 and 3701-83-60 prohibit gender transition surgeries on anyone under the age of 18 in Ohio's hospitals and health care facilities, including ambulatory surgical facilities; and

WHEREAS, the State Medical Board of Ohio (SMBO) is responsible for regulating the practice of medicine and surgery, which includes the rules in OAC 4731-25 (Office Based Surgery); and

WHEREAS, the SMBO voted yesterday to amend OAC rule 4731-25-02; and

WHEREAS, the amendment to OAC rule 4731-25-02 prohibits a special procedure or surgery from being performed in an office setting when that special procedure or surgery is prohibited by rule or law from being performed in a hospital or ambulatory surgical facility; and

WHEREAS, it is necessary for the safety of patients that a special procedure or surgery that is prohibited from being performed in a hospital or ambulatory surgical facility also be prohibited from being performed in an office setting; and

WHEREAS, Section 4731.05 of the Ohio Revised Code authorizes the SMBO to promulgate rules for office based surgeries; 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

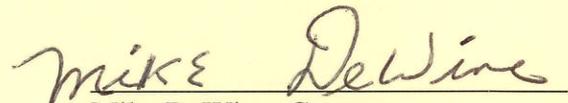
WHEREAS, the SMBO has requested a determination whether an emergency exists that requires the amendment of rule 4731-25-02 of the OAC on an emergency basis and that would therefore permit the SMBO, pursuant to Section 4731.05 of the Ohio Revised Code, to immediately amend the rule.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the SMBO, that an emergency exists requiring the immediate amendment of rule 4731-25-02 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 SMBO 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 SMBO, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on January 11, 2024, 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