



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2026-01D

The Emergency Amendment of Rules 5160-1-17.4, 5160-1-42, and 5160-1-17.6 of the Ohio Administrative Code by the Ohio Department of Medicaid

WHEREAS, the Ohio Department of Medicaid ("Ohio Medicaid") administers the Medicaid program in Ohio; and

WHEREAS, the State of Ohio is committed to preventing, identifying, and fighting fraud, waste, and abuse in the public programs it administers; and

WHEREAS, under Governor John Kasich's referrals and Attorney General DeWine's leadership of the Medicaid Fraud Control Unit (MCFU), the State of Ohio secured 1,224 Medicaid fraud indictments, 1,124 convictions, and nearly \$400 million in Medicaid fraudulent payments recovered; and

WHEREAS, under Governor DeWine's referrals through Ohio Medicaid and Attorney General Dave Yost's MCFU work, the State of Ohio secured 1,154 indictments, 1,092 convictions, and more than \$245 million in Medicaid fraudulent payments recovered; and

WHEREAS, since Governor DeWine's direct oversight of MCFU investigations, prosecutions, and referrals began in 2011, the State of Ohio secured more than 2,300 Medicaid fraud indictments, more than 2,200 convictions, and more than \$644 million in Medicaid fraudulent payments recovered; and

WHEREAS, Ohio is consistently recognized by the United States Department of Health and Human Services as one of the top states in fighting and prosecuting Medicaid Fraud; and

WHEREAS, Ohio Medicaid continues its efforts and innovation to identify those trying to defraud Medicaid and prevent fraud before payment is made; and

WHEREAS, Ohio Medicaid has identified high risk areas of concern that must be immediately addressed to prevent fraud, waste, and abuse in the Medicaid program; and

WHEREAS, Sections 5164.02, 5164.32, 5164.33 of the Ohio Revised Code authorize Ohio Medicaid to adopt rules as necessary to administer and implement the Ohio Medicaid program; and

WHEREAS, Ohio Medicaid must immediately amend its Ohio Administrative Code rules in order to (1) permit Ohio Medicaid to terminate the provider agreements of Medicaid providers that have not provided Medicaid services or billed the Medicaid program in more than one year, (2) require Medicaid providers that are at a higher risk for committing fraud to revalidate enrollment more frequently to confirm compliance with Medicaid program rules, (3) allow Ohio Medicaid to require certain Medicaid providers to recredential as determined necessary by the Medicaid Director, and (4) permit the denial of a provider enrollment application when a federally approved moratorium is in effect, even if the enrollment application was received but not approved before the moratorium began; and

WHEREAS, Section 119.03(G) 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. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are valid only for one hundred and twenty (120) days; and

WHEREAS, Ohio Medicaid has requested a determination whether an emergency exists that requires the amendment of rules 5160-1-17.4, 5160-1-42, and 5160-1-17.6 of the Ohio Administrative Code on an emergency basis and that would therefore permit Ohio Medicaid, pursuant to Sections 5164.02, 5164.32, and 5164.33 of the Ohio Revised Code, to immediately amend these rules.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and laws of the State of Ohio, do hereby order and direct that:

1. Ohio Medicaid relentlessly support the lawful directives of the Trump Administration and Centers for Medicare and Medicaid Services (CMS) to conduct revalidation of providers; and
2. Ohio Medicaid must continue developing, enhancing, and utilizing advanced data analytics and data mining tools to proactively identify high risk providers potentially committing fraud, waste, or abuse and take action to immediately suspend payments where credible allegations of fraud are identified; and
3. Ohio Medicaid must aggressively move forward with the formal rule making process to implement Global Positioning System (GPS) requirements for Electronic Visit Verification (EVV) and establish a best in the nation approach to the use of GPS in monitoring and oversight of services subject to EVV requirements; and
4. Ohio Medicaid must immediately implement a 6-month moratorium on new provider enrollments of Hospice and Home Health Agencies, Waiver Individuals and Organizations, Private Duty Nurses, and the provider type subgroups of Personal Care Aides and Home Care Attendants including denial of enrollment applications currently pending, in accordance with CMS requirements; and

5. Ohio Medicaid must aggressively move forward with the formal rule making process to implement utilization controls for behavioral health and home health services to ensure quality service delivery while preventing overutilization that could result in fraud, waste, and abuse in the Medicaid program; and
6. Ohio Medicaid continue cooperating and collaborating with the Ohio Attorney General's Medicaid Fraud Control Unit and the Ohio Auditor of State to prevent, detect, and investigate Medicaid fraud and prosecute individuals and providers that commit Medicaid fraud.

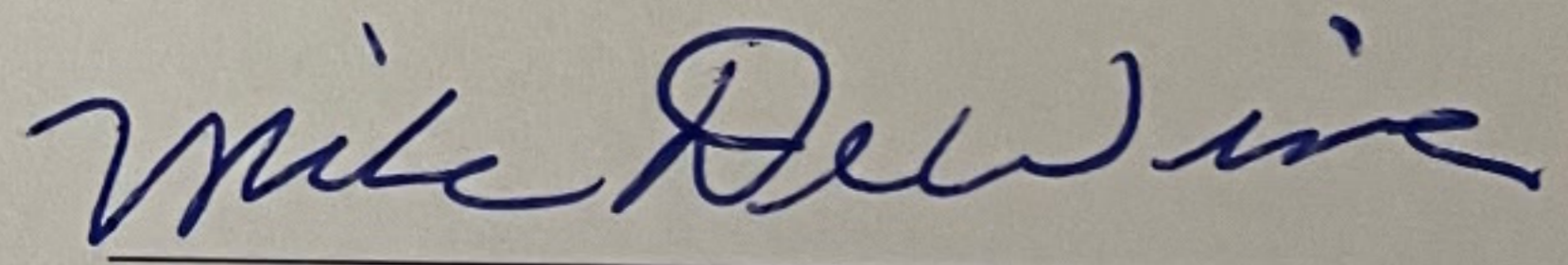
FURTHER, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of Ohio Medicaid, that an emergency exists requiring the immediate amendment of rules 5160-1-17.4, 5160-1-42, and 5160-1-17.6 of the Ohio Administrative Code.

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 Ohio Medicaid be permitted to amend 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 Ohio Medicaid, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on May 18, 2026, in Cedarville, Ohio, and it will expire ten (10) calendar days after my last day as Governor of Ohio, unless modified or rescinded before then, or unless all or part of the Order expires by operation of law prior to then.




Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State