



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2026-02D

The Emergency Adoption of Rule 5160-1-17.51
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, Ohio Medicaid continues its efforts to identify those trying to defraud Medicaid and prevent fraud before payment is made; and

WHEREAS, Ohio Medicaid has determined credible allegations of fraud exist that warrant the immediate suspension of payment to high-risk providers; and

WHEREAS, current regulations require the suspension of the Medicaid provider agreement as well as the suspension of claims payments upon the determination that a credible allegation of fraud exists; and

WHEREAS, the suspension of the Medicaid provider agreement at the same time as the suspension of claims payments could pose a health and safety risk or loss of access to care for vulnerable Ohio Medicaid members; and

WHEREAS, to ensure a smooth transition of care to other qualified providers and to protect the lives of vulnerable Ohio Medicaid members, there is a need for Ohio Medicaid to immediately adopt a rule to permit an exception, as authorized by R.C. 5164.36, that allows the department to suspend provider claim payments without also suspending the Medicaid provider agreement upon the determination of a credible allegation of fraud; and

WHEREAS, to ensure continuity of care for vulnerable Ohio Medicaid members, this emergency rule would authorize Ohio Medicaid to align its payment suspension process with that used by Centers for Medicare and Medicaid Services (CMS) for the suspension of Medicare providers; and

WHEREAS, Sections 5164.02 and 5164.36 of the Ohio Revised Code authorize Ohio Medicaid to adopt rules as necessary to administer and implement the Ohio Medicaid program; 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 adoption of rule 5160-1-17.51 of the Ohio Administrative Code on an emergency basis and that would therefore permit Ohio Medicaid, pursuant to Sections 5164.02 and 5164.36 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 Ohio Medicaid, that an emergency exists requiring the immediate adoption of rule 5160-1-17.51 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 rule be suspended and that Ohio Medicaid 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 Ohio Medicaid, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on June 2, 2026, in Columbus, 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