



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2019-19D

The Emergency Amendment of Rules 5160-8-05, 5160-27-01, 5160-27-03, 5160-27-04, and 5160-27-08 of the Ohio Administrative Code by the Ohio Department of Medicaid

WHEREAS, the Ohio Department of Medicaid (“ODM”) administers the Medicaid program including services to treat mental health conditions and substance use disorders, collectively known as “behavioral health”; and

WHEREAS, ODM sets forth provisions in Ohio Administrative Code Chapter 5160-27 and rule 5160-8-05 of the Administrative Code governing payment and policies for behavioral health agencies certified by the Ohio Department of Mental Health and Addiction Services (“OhioMHAS”); and

WHEREAS, ODM, in collaboration with OhioMHAS, received approval from the Centers for Medicaid and Medicare Services and implemented a package of significant Medicaid policy, payment and benefit changes effective January 1, 2018 known as “Behavioral Health Redesign”; and

WHEREAS, since January 1, 2019 ODM and OhioMHAS staff have worked continually with behavioral health providers, managed care organizations, county boards, individuals, family representatives, and other stakeholders to monitor the implementation of Behavioral Health Redesign, provide technical assistance, identify and resolve problems, and assist the provider network rendering services to Ohioans who need mental health or substance use treatment; and

WHEREAS, ODM and OhioMHAS in collaboration with behavioral health stakeholders have identified changes in policy and payment rates requiring amendments to Ohio Administrative Code rules to stabilize Ohio’s behavioral health service system and support individuals’ ability to access services; 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 amendment of rules 5160-8-05, 5160-27-01, 5160-27-03, 5160-27-04, and 5160-27-08 of the Ohio Administrative Code (“OAC”) on an emergency basis and that would therefore permit ODM, pursuant to section 5164.02 of the Ohio Revised Code, to adopt these rules to be effective on August 1, 2019;

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of ODM, that an emergency exists requiring the amendment of rules 5160-8-05, 5160-27-01, 5160-27-03, 5160-27-04, and 5160-27-08 of the Administrative Code so that the rules will be in effect on August 1, 2019.

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 the Ohio Department of 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 the Ohio Department of Medicaid, the Secretary of State, the Director of the Legislative Service Commission and JCARR.

I signed this Executive Order on July 30, 2019, in Columbus, Ohio, and it will expire one hundred twenty days (120) 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

