



TED STRICKLAND
GOVERNOR
STATE OF OHIO

Executive Order 2007 – 20S

Immediate Adoption of Rules to Adjust the Reimbursement Rates for Services Provided Through the PASSPORT and Choices Medicaid Waiver Programs

- 1. Administration of Rate-Setting for PASSPORT and Choices Medicaid Waiver Services.** The Ohio Department of Job and Family Services (ODJFS) is responsible for setting the maximum reimbursement rates paid to providers delivering services to Medicaid consumers enrolled in the PASSPORT and Choices home and community based Medicaid waiver programs.
- 2. Rate Changes are Needed.** In order for the state of Ohio to maintain its commitment to providing community based alternatives to nursing home care Medicaid consumers, we must work to preserve access to these services and supports. Providers of services to PASSPORT consumers have not received an increase in their reimbursement rates since the year 2000. Choices providers have not received an increase in their maximum reimbursement levels since the program's inception in 2001. I believe that increasing the rate of reimbursement for PASSPORT and Choices services is vital to increasing the continuity of care, ensuring that consumers have available to them a stable and qualified pool of providers and, ultimately, improving health outcomes for an important segment of our population.

3. **Making the New Rates Effective on July 1, 2007.** House Bill 119 of the 127th General Assembly, which became law as of June 30, 2007, provides for an increase in the rate of reimbursement for services rendered through the PASSPORT and Choices Medicaid waiver programs. Amendments to the Ohio Administrative Code implementing the rate changes must be enacted to coincide with the beginning of the new state fiscal year.
4. **Procedure for Immediate Enactment of Rule Changes.** Ohio law, at Section 119.03(F) of the Ohio Revised Code, authorizes the Governor, on the request of a state agency, to suspend the normal rulemaking procedures with respect to a specific rule when an emergency exists necessitating the immediate adoption, amendment or rescission of the rule. When such a determination is made, the agency may immediately adopt that rule, but the rule is valid for only 90 days.
5. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rulemaking process when failure to act immediately would negatively impact the citizens of Ohio. ODJFS has asked me to determine, and I have determined, that the failure to implement immediate rule changes adjusting the rates of reimbursement for providers of PASSPORT and Choices services will negatively impact many Ohio citizens and that, therefore, an emergency exists necessitating the immediate adoption of new administrative rules in this regard.
6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rulemaking procedures are suspended with respect to the amendments to Rule 5101:3-1-06.1 of the Ohio Administrative Code, adjusting the maximum reimbursement rates for PASSPORT services and to Rule 5101:3-1-06.4 of the Ohio Administrative Code, adjusting the maximum reimbursement rates for Choices services, which have been electronically filed by ODJFS today with the Secretary of State, the Director of the Legislative Service Commission and the Joint Committee on Agency Rule Review. ODJFS may, therefore, adopt these rules immediately.

7. I signed this Executive Order on July 2, 2007. It will expire at the end of the ninetieth day it is in effect, September 30, 2007.

Ted Strickland
Ted Strickland, Governor



ATTEST:

Jennifer Brunner, Secretary of State