



TED STRICKLAND
GOVERNOR
STATE OF OHIO

Executive Order 2008 – 23S

Immediate Amendment of Rules to Implement the 2009 Healthcare Common Procedure Coding System (HCPCS) and to Allow for Payment of Vaccination Services

1. **Ohio's Utilization of the Healthcare Common Procedure Coding System (HCPCS).** HCPCS, which includes Current Procedural Terminology ("CPT") codes, is the national standard medical procedure coding system. HCPCS is used by federal and state Medicare, Medicaid, and private insurance and managed care plans to report medical services for billing and claims payment. In November 2008 the federal Centers for Medicare and Medicaid Services ("CMS"), in conjunction with the American Medical Association ("AMA") and other professional groups, updated the most recent HCPCS. The Ohio Department of Job and Family Services ("ODJFS") implements HCPCS to be in compliance with the Health Insurance Portability and Accountability Act (HIPAA), which requires the use of a nationally standardized coding system.
2. **Payment of Vaccination Services under HCPCS.** Ohio law also requires ODJFS to allow for the payment of Medicaid-funded vaccination services utilizing HCPCS.
3. **Making the Amended Rules Effective on December 30, 2008.** In order for ODJFS to implement the most current HCPCS used to report medical services for billing and claims payment, as well as to allow vaccination services to be billed to and reimbursed by the Medicaid program, amendment of rules in the Ohio Administrative Code must occur immediately.
4. **Procedure for Immediate Enactment of Rule Changes.** Section 119.03(F) 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 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, amend, or rescind that rule, but the rule is valid for only ninety (90) days.

5. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process when the 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 amend rules regarding implementation of the most current HCPCS will negatively impact Ohioans by failing to ensure that billing and claim payment for medical services comports with HIPAA standards and by failing to provide a consistent payment process for service providers. Additionally, the failure to amend the rule allowing payment for Medicaid-funded vaccination services will negatively impact Ohioans by impeding the State's ability to ensure compensation for services that are needed by many Ohioans. Therefore, an emergency exists necessitating the immediate amendment of administrative rules in this regard.

6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the amendment of Rules 5101:3-1-19.3, 5101:3-1-60, 5101:3-2-21, 5101:3-4-06, 5101:3-4-06.1, 5101:3-4-13, 5101:3-4-14, 5101:3-4-17, 5101:3-4-22, 5101:3-5-04, 5101:3-5-06, 5101:3-5-07, and 5101:3-10-20 of the Ohio Administrative Code regarding the new HCPCS and corresponding updates to the maximum payment amounts and the billing and payment for vaccination services. ODJFS may, therefore, amend these rules immediately by electronically filing them with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

7. I signed this Executive Order on December 30, 2008. It will expire at the end of the ninetieth day it is in effect, March 30, 2009.



Ted Strickland
Ted Strickland, Governor

ATTEST:

Jennifer Brunner, Secretary of State