



TED STRICKLAND
GOVERNOR
STATE OF OHIO

Executive Order 2008 – 22S

Immediate Adoption of Rules Implementing the Medicaid School Program

- 1. The Medicaid School Program.** The Medicaid School Program (MSP) is a collaborative effort between the Ohio Department of Job and Family Services (ODJFS), as the state Medicaid agency, and the Ohio Department of Education (ODE), as the agency responsible for assuring that the Individuals with Disabilities Education Act (IDEA) is implemented by schools. The purpose of the MSP is to allow schools to be Medicaid service providers in the State, allowing them to recover a part of the costs associated with offering health-related services to Medicaid-eligible special needs students. The services these students receive are based on the Individual Education Programs (IEPs) that must be developed for special needs students, as mandated by the IDEA.
- 2. Implementation of the Medicaid School Program in Ohio.** ODJFS recently received approval from the Centers for Medicare and Medicaid Services (CMS) to implement the MSP in the State. Ohio's MSP will allow schools to receive Medicaid reimbursement for approved services that are provided to Medicaid-eligible children, ages 3 to 21. Services eligible for reimbursement include, but are not limited to, licensed therapy services such as physical therapy, occupational therapy and speech therapy, nursing, psychology, targeted case management, administrative activities that support the effective and efficient operation of the Medicaid program, and transport of Medicaid-eligible children in vehicles specially adapted for those with disabilities.
- 3. Making the New Rules Effective on December 1, 2008.** In order to ensure that Medicaid-eligible children can receive the care and services that they need through their schools, and that schools can be reimbursed for those services, adoption 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 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 ninety (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 adopt rules implementing the Medicaid School Program will create an additional financial burden during this time of extraordinary financial challenges for schools that provide a means for Medicaid-eligible children to receive the medical care and services that they need in order to lead full and productive lives. 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 adoption of Rules 5101:3-35-01, 5101:3-35-02, 5101:3-35-04, 5101:3-35-05, and 5101:3-35-06 of the Ohio Administrative Code, implementing the Medicaid School Program in Ohio and permitting reimbursement for approved direct services to Medicaid-eligible children. These rules have been electronically filed by ODJFS 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 December 1, 2008. It will expire at the end of the ninetieth day it is in effect, March 1, 2009.



Ted Strickland

Ted Strickland, Governor

ATTEST:

Jennifer Brunner, Secretary of State