

Executive Order 2013-06K

The Emergency Amendment of Rules 5101:3-1-06.1, 5101:3-1-06.4, and 5101:3-1-06.5 of the Ohio Administrative Code by the Ohio Office of Medical Assistance (Department of Medicaid)

WHEREAS, the PASSPORT, Choices and Assisted Living waiver programs serve over 37,000 Ohioans daily and are necessary to enable individuals to exercise their rights under Title II of the Americans With Disabilities Act to choose to live in home and community-based settings instead of institutional settings;

WHEREAS, it is a priority of the Administration to support individuals who desire to live independently in their place of residence;

WHEREAS, Am. Sub. House Bill 59 of the 130th General Assembly provides for an increase, effective July 1, 2013, in the rate of reimbursement for services furnished through the PASSPORT Medicaid waiver program;

WHEREAS, the Choices and Assisted Living Medicaid waiver programs need to maintain reimbursement rates equal to those in the PASSPORT program in order to ensure a pool of qualified providers;

WHEREAS, necessary appropriations have been made in Am. Sub. House Bill 59 of the 130th General Assembly to increase reimbursement rates for the PASSPORT, Choices and Assisted Living waiver programs;

WHEREAS, Section 5111.85 of the Ohio Revised Code authorizes the Ohio Office of Medical Assistance (Department of Medicaid) to promulgate rules for the administration of the PASSPORT, Choices, and Assisted Living programs;

WHEREAS, Section 119.03(F) of the Ohio Revised Code authorizes the Governor, upon the request of a state agency, to determine that an emergency exists necessitating the immediate adoption, amendment, or rescission of an agency rule;

WHEREAS, the Ohio Office of Medical Assistance has requested a determination whether an emergency exists that requires the immediate amendment of Rules 5101:3-1-06.1, 5101:3-1-06.4, and 5101:3-1-06.5 of the Ohio Administrative Code in order for the Ohio Office of Medical Assistance, pursuant to Section 5111.85 of the Ohio Revised Code, to make

emergency changes to the rule to raise the maximum reimbursement rates for PASSPORT, Choices, and Assisted Living waiver services, to be effective July 1, 2013;

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of the Ohio Office of Medical Assistance, that an emergency exists requiring the immediate amendment of Rules 5101:3-1-06.1, 5101:3-1-06.4, and 5101:3-1-06.5 of the Ohio Administrative Code by the Ohio Office of Medical Assistance (Department of Medicaid). Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the amendment of such specified rule be suspended and the Ohio Office of Medical Assistance (Department of Medicaid) be permitted to immediately amend this rule by electronically filing it with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Further, I hereby order that this Executive Order be filed in electronic form with the Ohio Office of Medical Assistance (Department of Medicaid), the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

I signed this Executive Order on June <u>30</u>, 2013, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect.



John/R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State