



JOHN R. KASICH
GOVERNOR
STATE OF OHIO

Executive Order 2013-12K

The Emergency Amendment of Rules 4123-6-08, 5160-1-60, 5160-2-21, 5160-4-22, 5160-21-02.3, and 5160-35-04 of the Ohio Administrative Code by the Bureau of Workers' Compensation and the Ohio Department of Medicaid

WHEREAS, the federal Health Insurance Portability and Accountability Act ("HIPAA") requires the use of a nationally standardized coding system.

WHEREAS, the Healthcare Common Procedural Coding System ("HCPCS") is the national standard code set for reporting medical supplies and procedures on claims or invoices.

WHEREAS, the federal Centers for Medicare and Medicaid Services ("CMS"), in conjunction with the American Medical Association and other professional groups, updates HCPCS annually.

WHEREAS, the Bureau of Workers' Compensation ("BWC") administers the Health Partnership Program ("HPP"), and the Ohio Department of Medicaid ("ODM") administers the Medicaid program.

WHEREAS, insofar as HCPCS codes or descriptions are incorporated into the Ohio Administrative Code ("OAC") governing HPP or the Medicaid program, changes made to HCPCS require corresponding changes in OAC rules.

WHEREAS, annual HCPCS updates are implemented industry-wide on January 1 of each year, but they are published only about five weeks in advance, in the late fall of the preceding year.

WHEREAS, due to the timing of publication of HCPCS coding updates, it is impossible for BWC and ODM to make the necessary changes to the OAC through the regular rule-filing process.

WHEREAS, to ensure implementation of the HCPCS updates on January 1, 2014, BWC and ODM must immediately amend the OAC rules that govern HPP and the Medicaid program.

WHEREAS, section 4121.441 of the Ohio Revised Code authorizes BWC to promulgate rules for HPP, and sections 5162.02 and 5164.02 of the Ohio Revised Code authorize ODM to promulgate rules for the Medicaid program.

WHEREAS, division (F) of section 119.03 of the Ohio Revised Code authorizes the Governor, upon 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 valid only for ninety (90) days.

WHEREAS, BWC has requested a determination whether an emergency exists that requires the immediate amendment of rule 4123-6-08 of the Ohio Administrative Code and that would therefore permit BWC, pursuant to section 4121.441 of the Ohio Revised Code, immediately to amend this rule to implement the HCPCS updates.

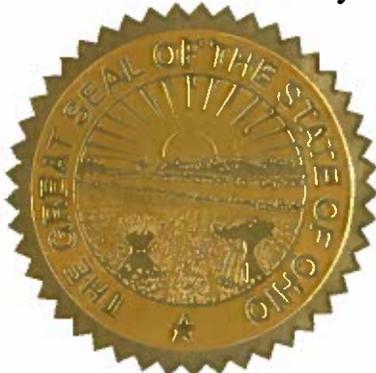
WHEREAS, ODM has requested a determination whether an emergency exists that requires the immediate amendment of rules 5160-1-60, 5160-2-21, 5160-4-22, 5160-21-02.3, and 5160-35-04 of the Ohio Administrative Code and that would therefore permit ODM, pursuant to sections 5162.02 and 5164.02 of the Ohio Revised Code, immediately to amend these rules to implement the HCPCS updates.

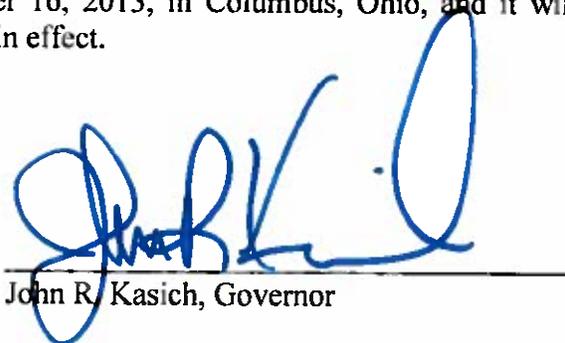
NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, have determined, upon the request of BWC and ODM, that an emergency exists requiring the immediate amendment of rules 4123-6-08, 5160-1-60, 5160-2-21, 5160-4-22, 5160-21-02.3, and 5160-35-04 of the Ohio Administrative Code.

Furthermore, I hereby order that the procedures prescribed by section 119.03 of the Ohio Revised Code with respect to the amendment of such specified rules be suspended and that BWC and ODM be permitted to amend their respective rules by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.

Furthermore, I hereby order that this Executive Order be filed in electronic form with BWC, ODM, 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 December 16, 2013, in Columbus, Ohio, and it will expire at the end of the ninetieth day on which it is in effect.




John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State