



MIKE DEWINE

GOVERNOR
STATE OF OHIO

Executive Order 2022-15D

The Emergency Adoption of Rule 5123-9-05 of the Ohio Administrative Code by
the Ohio Department of Developmental Disabilities

WHEREAS, Ohio Department of Developmental Disabilities (DODD) is the designated State agency to administer programs and services for Ohioans with developmental disabilities; and

WHEREAS, Ohioans with developmental disabilities rely upon direct support professionals, the persons who provide critical support and services necessary for Ohioans with developmental disabilities, to continue to live independently and remain integral members of the communities in which they live; and

WHEREAS, to better serve Ohioans with developmental disabilities and to protect and promote their health and safety, there is a need for DODD to ensure there are sufficient direct support professionals available to provide critical support and services; and

WHEREAS, DODD has an immediate need to adopt a rule that establishes requirements and processes for retention payments to benefit direct support professionals providing specific home and community-based services to Ohioans with developmental disabilities enrolled in home and community-based services waivers administered by DODD to prevent disruption in the delivery of services and to continue to protect and promote the health and safety of those served; and

WHEREAS, Chapter 5123 of the Ohio Revised Code authorizes DODD to promulgate rules relating to the administration of programs and services for Ohioans with developmental disabilities; and

WHEREAS, Section 119.03(G) 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 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 only valid for one hundred and twenty (120) days; and

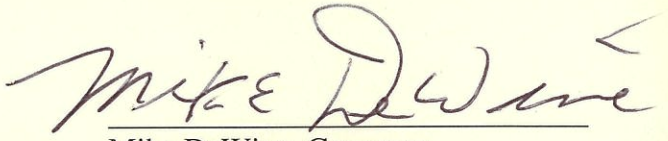
WHEREAS, DODD has requested a determination whether an emergency exists that requires the adoption of rule 5123-9-05 of the Ohio Administrative Code on an emergency basis and that would therefore permit DODD, pursuant to Chapter 5123 of the Ohio Revised Code, to immediately adopt this rule.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of DODD, that an emergency exists requiring the immediate adoption of rule 5123-9-05 of the Ohio Administrative Code.

I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption of the specified rule be suspended and that DODD be permitted to adopt the rule immediately by filing it electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review (JCARR).

Furthermore, I hereby order that this Executive Order be filed in electronic form with DODD, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on December 15, 2022, in Columbus, Ohio, and it will expire one hundred and twenty (120) days from the effective date of the emergency rule, or upon the adoption of the rule through the normal JCARR process, whichever is sooner.


Mike DeWine, Governor



ATTEST:

Frank LaRose, Secretary of State