



**MIKE DEWINE**  
GOVERNOR  
STATE OF OHIO

**Executive Order 2021-09D**

The Emergency Adoption of Rule 173-1-04 of the Ohio Administrative Code by the Ohio Department of Aging

**WHEREAS**, the Ohio Department of Aging (ODA) is the federally designated state unit on aging and is responsible for the administration of the PASSPORT and Assisted Living waiver programs in Ohio; and

**WHEREAS**, ODA granted certain relief and flexibilities during the state of emergency declared by the Governor to protect the health and safety of older Ohioans receiving services from ODA-administered programs; and

**WHEREAS**, in order to continue to protect the health and safety of older Ohioans, it is necessary to continue to allow relief and flexibilities while the federal public health emergency remains in place; and

**WHEREAS**, federal funding for state-administered programs requires state cooperation with the federal public health emergency; and

**WHEREAS**, Sections 173.01 and 173.02 of the Ohio Revised Code authorize ODA to adopt rules as necessary to govern the operation of services provided to older Ohioans through programs administered by the department and to carry out the provisions of Chapter 173 of the Ohio Revised Code; 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**, ODA has requested a determination whether an emergency exists that requires the adoption of rule 173-1-04 of the Ohio Administrative Code on an emergency basis and that would therefore permit ODA, pursuant to Sections 173.01 and 173.02 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 ODA, that an emergency exists requiring the immediate adoption of rule 173-1-04 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 ODA 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 ODA, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on June 18, 2021, in Columbus, Ohio, and it will expire one hundred and twenty (120) days from the effective date of the emergency rule, upon the adoption of the rule through the normal JCARR process, or if the federal public health emergency ends before one hundred and twenty (120) days from the effective date, whichever is sooner.

  
Mike DeWine, Governor

ATTEST:

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Frank LaRose, Secretary of State

