



MIKE DEWINE

GOVERNOR
STATE OF OHIO

Executive Order 2022-13D

The Emergency Amendment of Rules 3701-18-01, 3701-18-02, 3701-18-03, 3701-18-04, 3701-18-05, 3701-18-06, 3701-18-06.1, 3701-18-08, 3701-18-09, 3701-18-11, 3701-18-12, 3701-18-13, 3701-18-14, 3701-18-15, 3701-18-16, 3701-18-17, 3701-18-18, 3701-18-20, 3701-18-21, 3701-18-22, 3701-18-25, 3701-18-26, and 3701-18-27 of the Ohio Administrative Code by the Ohio Department of Health

WHEREAS, long-term care facilities are designed to provide care and support to allow residents to live more healthy lives; and

WHEREAS, long-term care facilities struggle to maintain minimum staffing levels—a situation exacerbated during the height of the COVID-19 pandemic; and

WHEREAS, at multiple times during the COVID-19 pandemic, the National Guard was called to provide medical care, aide, and assistance to the residents of long-term care facilities because the staff shortages were so severe; and

WHEREAS, in response to staff shortages, there is a need to streamline training and offer more virtual training opportunities to nurse aides, which reflects advances in technology and provides a more flexible training pathway; and

WHEREAS, Sections 3721.28, 3721.31, and 3721.32 of the Ohio Revised Code authorize the Ohio Department of Health to implement rules related to nurse aide training and testing; 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, Ohio Department of Health (“ODH”) has requested a determination whether an emergency exists that requires the amendment of rules 3701-18-01, 3701-18-02, 3701-18-03, 3701-18-04, 3701-18-05, 3701-18-06, 3701-18-06.1, 3701-18-08, 3701-18-09, 3701-18-11, 3701-18-12, 3701-18-13, 3701-18-14, 3701-18-15, 3701-18-16, 3701-18-17, 3701-18-18, 3701-18-20, 3701-18-21, 3701-18-22, 3701-18-25, 3701-18-26, and 3701-18-27 of the Ohio Administrative


Code on an emergency basis and that would therefore permit ODH, pursuant to Sections 3721.28, 3721.31, and 3721.32 of the Ohio Revised Code, to immediately amend these rules.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of ODH, that an emergency exists requiring the immediate amendment of rules 3701-18-01, 3701-18-02, 3701-18-03, 3701-18-04, 3701-18-05, 3701-18-06, 3701-18-06.1, 3701-18-08, 3701-18-09, 3701-18-11, 3701-18-12, 3701-18-13, 3701-18-14, 3701-18-15, 3701-18-16, 3701-18-17, 3701-18-18, 3701-18-20, 3701-18-21, 3701-18-22, 3701-18-25, 3701-18-26, and 3701-18-27 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 amendment of the specified rules be suspended and that ODH be permitted to amend the rules immediately by filing them 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 ODH, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

I signed this Executive Order on July 29, 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 rules through the normal JCARR process, whichever is sooner.


Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

