
OFFICE OF THE GOVERNOR

- Requires the Governor to declare an emergency affecting the public health if specified conditions are present, requires or authorizes the Governor to take certain actions after declaring a public health emergency, and provides for the General Assembly to suspend the operation of the executive order.
- Repeals state laws that establish duties for the Office of Health Transformation.
- Repeals state law regarding the exchange of protected health information between certain state agencies.

Public health emergencies

(R.C. 107.20)

The bill requires the Governor to declare an emergency affecting the public health if the Governor determines that either of the following is the case and that one or more local governments lack the resources or capabilities necessary to protect public health and safety:

- An event occurred or is occurring in any part of the state resulting in substantial injury or harm to the public health;
- An imminent threat of substantial injury or harm to the public health exists in any part of this state.

Executive order

The Governor must declare the public health emergency by executive order. The order must include:

- A description of the emergency affecting the public health, including the substantial injury or harm or threat of substantial injury or harm;
- A list of the areas of the state affected or threatened; and
- A summary of the conditions that necessitated the declaration of an emergency.

As soon as practicable after issuing the executive order, the Governor's office must make a copy of it available on its website, submit a copy to the General Assembly, and transmit copies to the news media.

Governor's duties

After declaring a public health emergency, the Governor must:

- Take such action and give such direction to state and local law enforcement agencies and offices as may be reasonable and necessary to secure compliance with the executive order;
- Establish offices within state agencies and appoint personnel as necessary;
- Direct state agency personnel to take actions as necessary to address the emergency.

The bill also authorizes the Governor to perform the following actions on declaring an emergency:

- Issue executive orders and direct state agencies to adopt and amend rules in accordance with the Administrative Procedure Act that relate to the emergency;
- Assume control of emergency management operations;
- Delegate duties as necessary to implement the executive order;
- Authorize health care practitioners licensed in other jurisdictions to provide health care during the emergency in accordance with any directions specified in the executive order;
- Use any available resources of state and local governments as necessary to address the emergency;
- Order the Director of Budget and Management to transfer cash from any fund that is not otherwise restricted to the Controlling Board Emergency Purposes/Contingencies Fund;
- Alter, limit, or suspend any provision of a collective bargaining agreement or transfer state agency personnel, including those subject to collective bargaining agreements, or state agency functions for the purpose of facilitating emergency services, but only to the extent permitted under federal law.

The bill also specifies that its provisions do not limit the Governor's existing authority to apply for grants or administer funds awarded to the state to prevent or mitigate public health emergencies, to direct the state's Emergency Management Agency, or to call to service Ohio's militia, which includes the Ohio National Guard.

Executive order's operation

Any executive order issued in accordance with the bill's provisions remains in effect until the earliest of the following:

- The Governor determines that the conditions giving rise to the declaration of a public health emergency no longer exist;
- The General Assembly suspends the order's operation by adopting a concurrent resolution;
- 30 days have elapsed since the Governor issued the order.

If 30 days have elapsed and the General Assembly has not suspended the order's operation, but the conditions giving rise to the declaration of a public health emergency are still present, the Governor may issue another executive order declaring a public health emergency. If the General Assembly does adopt a concurrent resolution suspending an executive order, the Governor must rescind the order as soon as practicable.

Elimination of the Office of Health Transformation

(R.C. 191.01, 191.02, 191.04, 191.06, 191.08, 191.09, and 109.10, all repealed; R.C. 103.41, 3701.36, 3701.68, 3701.95, 3798.01, 3798.10, 3798.14, 3798.15, 3798.16, 5101.061, 5162.12, and 5164.01)

The bill eliminates all of the statutory duties of the Office of Health Transformation and all other references to the Office in the Revised Code. Governor Kasich created the Office pursuant to an executive order issued in 2011.³⁵

Specifically, the bill repeals state laws that require the Executive Director of the Office to:

1. Identify each government program providing public benefits for the purpose of state law that permits state agencies to exchange protected health information with other state agencies for certain purposes;
2. Adopt strategies that prioritize employment as a goal for individuals participating in government programs providing public benefits;
3. Establish goals for continuous quality improvement pertaining to episode-based payments for prenatal care;
4. Identify best practices pertaining to family planning options, strategies for reducing poor pregnancy outcomes, and health professional instruction on cultural competency.

Eliminating all other references to the Office from the Revised Code has the following effects:

1. Eliminates the Joint Medicaid Oversight Committee's authority to investigate the Office;
2. Removes the Office's Executive Director from the officials who are to receive a copy of the Palliative Care and Quality of Life Interdisciplinary Council's annual report regarding recommendations for improving palliative care;
3. Removes the Executive Director from the Commission on Infant Mortality;
4. Eliminates a requirement that the Medicaid Director consult with the Executive Director when adopting rules regarding the exchange of protected health information;
5. Eliminates a requirement that the Executive Director assist the Director of Job and Family Services with leadership and organizational support for the Office of Human Services Innovation.

Exchange of protected health information

(R.C. 191.01, 191.02, and 191.04, all repealed)

The bill repeals state laws that permit certain state agencies to exchange protected health information relating to eligibility for or enrollment in a health plan or participation in a government program providing public benefits, if the exchange is necessary for (1) operation of a health plan or (2) coordination, or improvement of the administration or management, of the

³⁵ Executive Order No. 2011-02K.

health care-related functions of at least one government program providing public benefits. An exchange of protected health information must be done in accordance with federal law governing the confidentiality of individually identifiable health information. This authority applies to the following state agencies:

1. The Department of Administrative Services;
2. The Department of Aging;
3. The Development Services Agency;
4. The Department of Developmental Disabilities;
5. The Department of Education;
6. The Department of Health;
7. The Department of Insurance;
8. The Department of Job and Family Services;
9. The Department of Medicaid;
10. The Department of Mental Health and Addiction Services;
11. The Department of Rehabilitation and Correction;
12. The Department of Taxation;
13. The Department of Veterans Services;
14. The Department of Youth Services;
15. The Opportunities for Ohioans with Disabilities Agency.