MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-02D

The Emergency Amendment of Rules 5101:2-12-18, 5101: 2-13-18 and 5101:2-16-10 of the Ohio Administrative Code by the Ohio Department of Job and Family Services

WHEREAS, a need for emergency changes in child care rules exists to respond to the public health crisis of the pandemic COVID-19; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. Since then, two (2) additional patients have tested positive. This confirms the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and

WHEREAS, on March 9, 2020, I Declared a State of Emergency in Executive Order 2020-01D; and

WHEREAS, currently, the Centers for Disease Control and Prevention (CDC) lists over 110 countries with confirmed cases of COVID-19. The World Health Organization reports over 118,000 diagnosed cases worldwide with 4,200 deaths reported worldwide. The CDC has announced 1,215 confirmed and presumptive positive cases, with 36 deaths reported from the disease in the United States; and

WHEREAS, Sections 5104.015, 5104.016, 5104.017, 5104.018, 5104.30, 5104.34, 5104.38 5104.39, 5104.42, and 5104.0111 of the Ohio Revised Code authorize the Ohio Department of Job and Family Services (ODJFS) to promulgate rules relating to the administration of the publicly funded child care program; 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, ODJFS has requested a determination whether an emergency exists that requires the amendment of rules 5101:2-12-18, 5101: 2-13-18 and 5101:2-16-10 of the OAC on an emergency basis and that would therefore permit ODJFS, pursuant to Sections 5104.015, 5104.016, 5104.017, 5104.018, 5104.30, 5104.34, 5104.38 ,5104.39, 5104.42, and 5104.0111 of the Ohio Revised Code to make immediate and necessary changes to the rules;

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of ODJFS, that an emergency exists requiring the immediate amendment of rules 5101:2-12-18, 5101: 2-13-18 and 5101:2-16-10 of the Ohio Administrative Code.

Further, I hereby order that the procedures prescribed by section 119.03 of the Ohio Revised Code with respect to the adoption or amendment of the specified rules be suspended and that the Ohio Department of Job and Family Services 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 the Ohio Department of Job and Family Services, the Secretary of State, the Director of the Legislative Service Commission and JCARR.

I signed this Executive Order on March 13, 2020, in Columbus, Ohio, and it will expire one hundred twenty days (120) from the effective date of the emergency rules, or upon the adoption of the rules through the normal JCARR process, whichever is sooner.

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State