

173-2-05

Administrative hearings.

- (A) In accordance with Chapter 119. of the Revised Code, the Ohio department of aging shall provide written notice and an opportunity for a hearing to any agency proposed for dedesignation as an area agency on aging. The notice shall be given by registered mail, return receipt requested, and shall include the charges or other reasons for the proposed dedesignation, the law or rule directly involved, and a statement informing the agency that it is entitled to a hearing if one is requested within thirty days of the time of mailing the notice. The notice shall also inform the AAA that at the hearing the agency may make an appearance through its attorney, or through any other representative of the AAA, or may present its position, arguments, contentions in writing. In addition, the notice shall inform the AAA that at the hearing the AAA may present evidence and examine witnesses appearing for or against the agency.
- (B) Whenever an AAA requests a hearing in accordance with this rule, the department shall immediately set the date, time and place for the hearing and notify the agency. The date, time and place of the hearing shall be determined by the department. The date set for the hearing, however, must be within fifteen days, but not earlier than seven days, after the agency has requested the hearing, unless otherwise agreed by both the department and the agency.
- (C) The department shall engage the services of an attorney licensed in the state of Ohio to serve as the hearing officer and conduct the hearing requested by the AAA. The hearing officer shall submit a written report to the department that sets forth his findings of fact and conclusions of law, as well as a recommendation of the action to be taken by the department. A copy of the hearing officer's report and recommendation shall, within five days of the receipt thereof, be served upon the AAA or its attorney or other representative, by certified mail.
- (D) The AAA may, within ten days of receipt of the hearing officer's report and recommendation, file written objections to the report and recommendations with the department. The AAA may, in accordance with section 305(a)(5)(C)(i)(IV) of the Older Americans Act, include with its objections, statements in support of the AAA from service providers, older individuals and other AAAs. The department shall consider the AAA's objections and any statements of support prior to approving, modifying, or disapproving of the recommendation. No recommendation of the hearing officer shall be approved, modified, or disapproved by the department until after the tenth day following service of the report and recommendation on the AAA. No recommendation by a hearing officer shall be final until confirmed and approved by the director of the department in writing. If the director modifies or disapproves the recommendations of the hearing officer, the director shall include a statement of the reasons for the modification or disapproval in her final written decision to the AAA.

- (E) The final decision of the director shall be put in writing and shall be served upon the AAA by certified mail, return receipt requested. The director's decision shall be accompanied by a statement of the time and method by which the AAA may appeal the director's decision.
- (F) An AAA may appeal the director's final decision to the ~~franklin~~ Franklin county court of common pleas in accordance with section 119.12 of the Revised Code, and/or to the administration of aging in accordance with section 305 of the Older Americans Act of 1965, as amended.

Effective: 05/16/2005

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CERTIFIED ELECTRONICALLY

Certification

05/03/2005

Date

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