

## TO BE RESCINDED

173-2-05

**Administrative hearings on de-designation.**

- (A) In accordance with Chapter 119. of the Revised Code, ODA shall provide written notice and an opportunity for a hearing to any AAA proposed for de-designation as an AAA. The notice shall be given by registered mail, return receipt requested, and shall include the charges or other reasons for the proposed de-designation, the law or rule directly involved, and a statement informing the AAA 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, it may make an appearance through its attorney or through any other representative of the AAA. In lieu of an appearance (or in addition to an appearance), it may present its position, arguments, and 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 AAA.
- (B) Whenever an AAA requests a hearing in accordance with this rule, ODA shall immediately set the date, time, and place for the hearing and notify the agency. ODA shall determine the date, time, and place of the hearing. ODA shall set the date for the hearing within fifteen days, but not earlier than seven days, after the AAA has requested the hearing, unless both ODA and the AAA agree to another date.
- (C) ODA 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 ODA that sets forth his findings of fact and conclusions of law, as well as a recommendation of the action to be taken by ODA. ODA shall deliver to the AAA or its attorney by registered mail, return receipt requested, a copy of the hearing officer's report and recommendation within five days of the receipt thereof.
- (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 ODA. The AAA may, in accordance with section 305(a)(5)(C)(i)(IV) of OAA include with its objections, statements in support of the AAA from service providers, older individuals, and other AAAs. ODA shall consider the AAA's objections and any statements of support prior to approving, modifying, or disapproving the recommendation. ODA shall not approve, modify, or disapprove a recommendation of the hearing officer until after the tenth day following service of the report and recommendation on the AAA. No recommendation by a hearing officer is final until it is confirmed and approved by the director of ODA 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 the final written decision to the AAA.

- (E) The director shall put the final decision in writing and shall deliver it to the AAA by certified mail with a return receipt requested. The director shall send an accompanying statement that outlines 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 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 OAA.

Effective:

R.C. 119.032 review dates: 02/18/2009

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Certification

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Date

Promulgated Under: 119.03  
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Rule Amplifies: 173.011  
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