

3701-64-03

Request for hearing; scheduling hearing.

- (A) If the accused desires a hearing before the director makes a finding on an allegation of abuse or neglect of a resident or misappropriation of a resident's property, he or she shall submit a written request for a hearing to the director. The accused shall submit the request within thirty days after receiving or being deemed to have received the notice required by paragraph (D) of rule 3701-64-02 of the Administrative Code. For purposes of this rule, the date a hearing request is submitted is the date on which the request is postmarked, if mailed, or the date on which it is received by the director, if hand-delivered or sent via ~~telefax~~ facsimile or electronic mail.
- (B) Upon receipt of a timely written request for a hearing from the accused, the director shall schedule the hearing and notify the accused by ordinary mail of the date, time, and place of the hearing. The director shall provide this notification at least fifteen days prior to the hearing. The hearing shall be held within ~~one hundred twenty~~ sixty days after the director received the request and shall be held in either of the following:
- (1) The ~~district~~ regional office of the department of health which is closest to the residence of the accused or the place where the events constituting the allegation occurred; or
 - (2) Another location designated by the director if the director determines that holding the hearing at a location chosen under paragraph (B)(1) of this rule would be inconvenient for the accused or for witnesses.
- (C) The director may postpone or continue the hearing at the request of the accused or on his or her own motion, but the hearing shall not be postponed or continued to a date later than one hundred twenty days after the director received the hearing request unless the director and the accused both agree to the postponement.

Effective:

Five Year Review (FYR) Dates: 01/05/2016

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3721.26
Rule Amplifies: 3721.23
Prior Effective Dates: 1/10/1992, 8/1/06