

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: July 7, 2008
TIME: 10:00am
LOCATION: Room 1865, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 3125.25 and 5101.35 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

Rule 5101:6-1-01, entitled "State hearings: general," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth definitions and general provisions for state hearings. There are no substantive changes to the rule. The change to the rule removes unnecessary, duplicate information.

Rule 5101:6-3-01, entitled "Grounds for requesting a state hearing," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the reasons an applicant for, or recipient of, services from ODJFS programs may request a state hearing. The changes to the rule remove limitations concerning adoptions across state and county jurisdictions and remove the prohibition of hearings for the determination of medically necessary inpatient hospital days by a medical review organization or hospital in-house utilization review committee.

Rule 5101:6-3-02, entitled "State hearing requests," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth requirements concerning the method for requesting state hearings and the time limit for request. The change to the rule adds the minor individual's parent or guardian as a person who may request a hearing and modifies the time limit for contesting a resource assessment.

Rule 5101:6-4-01, entitled "Continuation of benefits when a state hearing is requested," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the provisions when benefits cannot be reduced, suspended, or terminated when a request for a state hearing is made. The change in the rule shortens the amount of time to reinstate benefits.

Rule 5101:6-5-02, entitled "Postponement of the state hearing," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the conditions under which an applicant for, or recipient of, services from ODJFS programs may request postponement of a state hearing. There are no substantive changes to the rule. The change to the rule clarifies the definition of "postponement."

Rule 5101:6-5-03, entitled "Denial and dismissal of state hearing request," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the reasons a request for a state hearing may be denied or dismissed, the time frame during which a request may be denied or dismissed, and the requirements for proper notice of the denial or dismissal. A change to the rule removes the requirement that a request from an applicant for, or recipient of, services from an ODJFS program be submitted in writing. Under the amendment, the applicant or recipient may request the dismissal orally or in writing. There are no other substantive changes to the rule.

Rule 5101:6-6-01, entitled "Scheduling and attendance," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth requirements for the scheduling of state hearings, the location of state hearings, notification to the applicant for, or recipient of, services from ODJFS programs, and attendance at state hearings. The changes to the rule modify when an expedited hearing may occur, and expand the list for medical determination issues to include county board of mental retardation and developmental disabilities actions.

Rule 5101:6-6-02, entitled "Rights and responsibilities of the participants," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the rights and responsibilities for the participants of a state hearing, including the representative for the local agency, the person making the request, and the hearing officer. There are no substantive changes to the rule.

Rule 5101:6-6-03, entitled "Tape recording the hearing," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the requirements that a state hearing must be audiotaped and the time frame for retaining the recording, the procedure for the person who has requested the hearing to obtain a copy of the recording, and the procedures to follow, if at the time of an administrative appeal, it is determined that the recording is unavailable or unusable. There are no substantive changes to the rule. The title of the rule changed to "Recording the hearing."

Rule 5101:6-6-04, entitled "Telephone hearings and hearings involving participation by telephone," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth requirements for state hearings conducted by telephone, including notification to the person who has requested the hearing that the hearing will be conducted by telephone, and identifies documents and participants required for the hearing. There are no substantive changes to the rule. The title of the rule is changed to "Telephone hearings."

Rule 5101:6-7-01, entitled "State hearing decisions," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the responsibilities of the hearing authority, the time frame in which hearing decisions are required to be issued, the content of the hearing decision, notification to the

person requesting the hearing, retention of the hearing record, and the binding effect of a hearing decision. There are no substantive changes to the rule.

Rule 5101:6-7-03, entitled "Implementation of the hearing decision," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the requirements that the local agency promptly and fully implement the hearing decision and the Bureau of State Hearings monitor timely compliance with the decision, and provides the time frames for required compliance with decisions. There are no substantive changes to the rule.

Rule 5101:6-8-01, entitled "Administrative appeal of the state hearing decision," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the administrative appeal rights for the person who disagrees with the state hearing decision, the reasons for which a person may request an administrative appeal of the hearing decision, the procedures for making a request for an administrative appeal, the reasons a request for an administrative appeal may be denied, and the content of the administrative appeal decision. There are no substantive changes to the rule.

Rule 5101:6-8-02, entitled "County reviews," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the rights of the local agency to request a review of the state hearing decision if the local agency disagrees with the decision, the reason for which the local agency may request a review, and the time frame during which the local agency must request a review. The changes to the rule modify the reasons for which a review may be requested and extend the time frame in which the local agency has to request a review.

Rule 5101:6-9-01, entitled "Further appeal rights," is being proposed for amendment as a result of the five-year rule review under section 119.032 of the Revised Code. It sets forth the conditions under which a person who disagrees with an administrative appeal decision may appeal the decision to the court of common pleas and the requirements for prompt and full implementation by the local agency in response to the judicial decision. There are no substantive changes to the rule.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for copies of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.