

**LEGAL NOTICE  
STATE OF OHIO  
DEPARTMENT OF JOB AND FAMILY SERVICES**

Pursuant to sections 5101.35, 3125.25 and chapter 119 of the Ohio revised Code, the director of the department of job and family services gives notice of the department's intent to adopt and amend rules to implement state hearing regulations, on a permanent basis and of a public hearing thereon.

The following rule is being adopted:

5101:6-8-02 entitled, "County Reviews" sets forth the policy for allowing local agencies to contest a state hearing decision, and have it reviewed by the ODJFS, Office of Legal Services. The outcome of this review cannot change the original hearing decision, but can point out errors.

The following rules are being proposed for amendment:

5101:6-1-01 entitled, "State Hearings - General" establishes the authority for the state hearing rules and establishes definitions of terms used throughout the other state hearing rules.

5101:6-2-01 entitled, "Notice at Time of Application" sets forth the requirement that applicants be informed for their right to request a state hearing.

5101:6-2-02 entitled, "Notice of Approval of an Application for Benefits" sets forth the requirement that applicants be informed for their right to request a state hearing upon approval of an application.

5101:6-2-03 entitled, "Notice of Denial of an Application for Benefits" sets forth the requirement that applicants be informed for their right to request a state hearing upon denial of an application.

5101:6-2-04 entitled, "Prior Notice of Adverse Action" sets forth the requirement that prior notice and the right to request a state hearing be issued before adverse action can be taken against an individual's benefits.

5101:6-2-05 entitled, "Exceptions to Prior Notice" sets forth the policy that allows adverse action to be imposed without prior notice, but requires that individuals be informed for their right to request a state hearing.

5101:6-2-05 entitled, "Notice of Change in Law or Policy, Automatic Benefit Adjustment, or Food Stamp Mass Change" sets forth the policy that requires mass change notices, informing individuals of their right to request a state hearing, be sent when benefits are affected by changes in law or policy.

5101:6-2-07 entitled, "Notice of the Right to a State Hearing - Child Support Services" sets forth the requirement that notice be sent when changes are proposed on a child support case.

5101:6-2-08 entitled, "Notice whenever disagreement with an action or inaction is expressed" sets

forth policy that requires that whenever an individual disagrees with an agency's action or inaction, they be informed of their right to appeal.

5101:6-2-09 entitled, "Supplemental Sanction Notice" sets forth the policy for sending notice of the action that resulted in a proposed sanction.

5101:6-2-20 entitled, "Notice of Overpayment/Overissuance" sets forth the notice requirements for announcing and recouping overpaid benefits.

5101:6-2-25 entitled, "Notice of Eligibility for Lost Food Stamp Benefits" sets forth notice requirements when lost benefits are issued.

5101:6-2-26 entitled, "Notice of Approval, Denial or Delay of Replacement Food Stamp Benefits" sets forth the notice requirements when replacement food stamp benefits are requested.

5101:6-2-30 entitled, "Notice of Medical Determination" sets forth the notice requirements when a decision is made about preadmission, hospital stays, leave days and other medical determination issues.

5101:6-2-31 entitled, "Notice of Denial of Prior Authorization for Medical or Dental Services" sets forth the notice requirements when a prior authorization request is denied.

5101:6-2-40 entitled, "PACT Notices" sets forth the notice requirements when PACT enrollment or continued PACT enrollment is being proposed.

5101:6-2-50 entitled, "Notice of Determinations Concerning Spouses Separated by Institutionalization" sets forth the notice requirements when Medicaid eligibility is determined for an institutionalized applicant who has a spouse living in the community.

5101:6-2-51, entitled, "Notice of Interim Assistance Reimbursement" sets forth the notice requirement for an individual applying for Disability Assistance, and SSI.

5101:6-3-01, entitled, "Grounds for Requesting a State Hearing" sets forth the issues that can be addressed through the state hearing process.

5101:6-3-02 entitled, "State Hearing Requests" sets forth the manner in which all requests for hearing are processed by the ODJFS Bureau of State Hearings.

5101:6-4-01 entitled, "Continuation of Benefits when a State Hearing is Requested" sets forth policy that allows for aid pending when a timely state hearing request is made.

5101:6-5-01 entitled, "Procedures Prior to the State Hearing" sets forth the actions that must be taken in preparation for the state hearing.

5101:6-5-02 entitled, "Postponement of the State Hearing" sets forth the policy to be followed when a postponement or reschedule of a hearing has been made.

5101:6-5-03 entitled, “Denial and Dismissal of State Hearing Requests” sets forth the policy for dismissing state hearing requests.

5101:6-6-01 entitled, “Scheduling and Attendance” sets forth the policy for scheduling and ensuring appropriate attendance at a state hearing.

5101:6-6-02 entitled, “Rights and Responsibilities of the Participants” sets forth the rights of all state hearing participants and the responsibility of each party.

5101:6-6-03 entitled, “Tape Recording of the Hearing” sets forth the policy that requires a tape recording to be made of each state hearing.

5101:6-6-04 entitled, “Telephone Hearings and Hearings Involving Participation by Telephone” sets forth the policy for conducting hearings via the telephone rather than in person.

5101:6-7-01 entitled, “State Hearing Decisions” sets forth the policy for writing state hearing decisions and the basis for those decisions.

5101:6-7-02 entitled, “Hearing Involving Couples Separated by Institutionalization” sets forth the requirements for hearings dealing with Medicaid eligibility for an institutionalized individual who has a spouse living in the community.

5101:6-7-03 entitled, “Implementation of the Hearing Decision” sets forth the policy for implementing the order of a state hearing decision.

5101:6-8-01 entitled, “Administrative Appeal of the State Hearing Decision” establishes the policy allowing an individual to appeal a state hearing decision to the office of Legal Services.

5101:6-9-01 entitled, “Further appeal rights” sets forth the policy for appealing Administrative Appeal decisions to court.

5101:6-20-01 entitled, “Disqualification for Intentional Program” sets forth the policy for imposing penalties for intentional program violations in the OWF, PRC and food stamp programs.

5101:6-20-02 entitled, “Definition of Intentional Program Violation” establishes what constitutes an intentional program violation.

5101:6-20-03 entitled, “Penalties for Intentional Program Violation” sets forth the disqualification periods for intentional program violations.

5101:6-20-04 entitled, “Notification at Application” sets forth the requirement that applicants be informed of intentional program violation.

5101:6-20-10 entitled, “Initiating an Administrative Disqualification Hearing” sets forth the policy for initiating an ADH hearing.

5101:6-20-11 entitled, "Consolidation of an Administrative Disqualification Hearing with a State Hearing" sets forth the policy for conducting an ADH hearing with a state hearing.

5101:6-20-12 entitled, "Advance Notice of the Administrative Disqualification Hearing" sets forth the policy for scheduling an ADH hearing.

5101:6-20-13 entitled, "Effect of a Pending Administrative Disqualification Hearing" establishes that a pending ADH does not affect an individual's right to apply and receive benefits.

5101:6-20-14 entitled, "Failure to Attend the Administrative Disqualification Hearing" sets forth the policy to be followed when the accused individual does not attend the ADH hearing.

5101:6-20-15 entitled, "Administrative Disqualification Hearing Procedures" sets forth the procedures to be followed while conducting an ADH.

5101:6-20-16 entitled, "Administrative Disqualification Hearing Decisions" sets forth the policy for writing ADH hearing decisions and the basis for those decisions.

5101:6-20-17 entitled, "Implementation of the Administrative Disqualification Hearing Decisions" sets forth the policy for implementing the order of a state hearing decision.

5101:6-20-18 entitled, "Notice of Disqualification for Intentional Program Violation" sets forth the notice requirement for an individual found to have committed an IPV.

5101:6-20-19 entitled, "Opportunity for Appeal of an Administrative Disqualification." sets forth the policy for appealing ADH decisions to court.

5101:6-20-30 entitled, "Waiver of Administrative Disqualification Hearing" establishes the procedures to be followed when an individual chooses to waive the hearing.

5101:6-20-40 entitled, "Disqualification Consent Agreement" establishes the procedures to be followed when an individual chooses to consent to a disqualification rather than have an administrative disqualification hearing.

5101:6-20-50 entitled, "Disqualification from the Food Stamp Program Based on Court Action" establishes the procedures to be followed when court finds that an individual committed an intentional program violation.

A copy of the proposed rules is available, without charge, to any person affected by them at the address listed below. These rules are also available on the internet at <http://www.state.oh.us/odjfs/ols/pubHearings/index.stm>.

A public hearing on the proposed rules will be held on January 29, 2003 at 12:30 P.M. until all testimony is heard in the Lobby Hearing Room in the Rhodes Tower, 30 East Broad Street, Columbus, Ohio. Either written or verbal testimony on these rules will be taken at the public hearing.

Additionally, written comments submitted or postmarked no later than January 29, 2003 will be treated as testimony. Request for a copy of the proposed rules or should be submitted by mail to "Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215", by fax at (614) 752-8298, or by e-mail at "public\_records@odhs.state.oh.us."