



Ohio Administrative Code

Rule 3301-73-09 Authority and duties of hearing officers.

Effective: [March 27, 2014](#)

(A) Administrative hearings shall be conducted before a hearing officer pursuant to section 3319.311 and Chapter 119. of the Revised Code.

(B) All hearings shall be open to the public, but, upon motion by either party or at the hearing officer's discretion, the hearing officer may close the hearing to the extent necessary to protect compelling interests and rights or to comply with statutory requirements. In the event the hearing officer closes the hearing, the hearing officer shall state the reasons therefore in the public record.

(C) The hearing officer shall conduct hearings in such a manner as to prevent unnecessary delay, maintain order, and ensure the development of a clear and adequate record.

(D) The authority of the hearing officer shall include, but not be limited to:

(1) Administer oaths and affirmations;

(2) Examine parties and witnesses;

(3) Direct parties and witnesses to testify;

(4) Make rulings on the admissibility of evidence;

(5) Make rulings on procedural motions, whether such motions are oral or written;

(6) Hold pre-hearing conferences;

(7) Request briefs before, during or following the hearing, as well as suggested findings, orders, and conclusions of law within such time limits as the hearing officer may determine;



- (8) Prepare entries, findings, orders, or reports and recommendations;
 - (9) Request preparation of entries, findings, or orders;
 - (10) Decide whether a witness shall be permitted to testify by video, telephonic, or other electronic means;
 - (11) Rule on any challenges to a witness' competence, capacity or identity;
 - (12) Take such other actions as may be necessary to accomplish the purposes of paragraph (C) of this rule; and
 - (13) Determine the order in which any hearing shall proceed.
- (E) The hearing officer shall rule on parties' motions with all possible speed.
- (F) The hearing officer shall have such other powers, duties, and authority as are granted by statutes or rules.
- (G) The authority of the hearing officer shall not include authority to do any of the following:
- (1) Grant motions for dismissal of an action;
 - (2) Compromise or settle any action; or
 - (3) Rule on questions of the constitutionality of federal, state or local laws or rules.
- (H) All rulings by a hearing officer on evidence and motions, including motions for recusal, and on any other procedural matters shall be subject to review by the state board upon presentation of the proposed findings of fact and conclusions of law of the hearing officer. When such rulings warrant, the matter may be remanded to the hearing officer for further proceedings or clarification.
- (I) An administrative hearing shall not be a forum to re-adjudicate the original order of a professional



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #269312

licensing board to limit, suspend, revoke, or deny licensure.