



Ohio Administrative Code

Rule 5101:6-6-01 State hearings: scheduling and attendance.

Effective: April 1, 2023

(A) Time and place of the hearing

(1) The hearing shall be conducted at a reasonable time, date, and place. The hearing will usually be conducted virtually, since it is usually most convenient to the individual. However, there may be circumstances which warrant conducting the hearing at another time, date, or place. In these cases, efforts shall be made to schedule the hearing at a time, date, and place convenient to all parties involved.

(a) State hearings conducted virtually, and on camera shall be considered face to face hearings.

(b) If an individual is unable to participate in a virtual hearing due to phone or internet limitations, they can attend the hearing at the local agency. The local agency will assure an adequate location for the individual to participate in the hearing that is private, with proper decorum, and a minimum of distractions.

(2) When a hearing request can be identified as involving a prevention retention and contingency (PRC) program issue, dealing with an emergent need, or a denial of expedited supplemental nutrition assistance program (SNAP), the hearing shall be scheduled and conducted more quickly than other requests, if necessary, so that the decision can be issued within the thirty-day period specified in rule 5101:6-7-01 of the Administrative Code.

(3) The hearings section shall expedite SNAP hearing requests from assistance groups, such as migrant farm workers, that plan to move from the county before the hearing decision would normally be issued.

(a) Hearing requests from these assistance groups shall be scheduled and conducted more quickly than other requests, if necessary, to enable them to receive a decision, and a restoration of benefits if appropriate, before they leave the county.



(b) To qualify, the assistance group must submit, in writing, if possible, its planned date of move. When this information is provided in an oral request, the local agency shall put the information in writing and forward it to the district hearings section with the hearing request, if possible, or immediately upon receipt.

(4) Hearings involving the determination of the community spouse resource allowance shall be conducted within thirty days of the date of the hearing request. This requirement shall not prevent the granting of otherwise appropriate postponements and continuances.

(5) When the hearing is conducted at the local agency, the local agency shall provide adequate accommodations where the hearing can be conducted in privacy, with the proper decorum, and with a minimum of distractions.

(B) The bureau of state hearings shall send written notice of the time, date, and place of the hearing to the individual and authorized representative, to the local agency, and to the medical determination units identified in paragraph (C)(1) of this rule, who may be participating, via use of a notice describing the date, place, and time of the state hearing.

(1) A copy of the scheduling notice shall be retained and included in the hearing record.

(2) This notice shall be mailed at least ten calendar days prior to the date of the hearing, unless the appellant or authorized representative requests less advance notice to expedite scheduling. Expedited hearings may be granted at the discretion of the hearing authority.

(3) When the hearing request involves a managed care plan or "MyCare Ohio" plan, copies of the scheduling notice shall be sent to the managed care plan or "MyCare Ohio" plan and upon request to the Ohio department of medicaid.

(4) The scheduling notice shall:

(a) Provide the name, address, and telephone number of the person to notify if the individual cannot attend the hearing.



(b) Explain that the hearing request will be dismissed if the appellant or authorized representative fails, without good cause, to appear for the hearing.

(c) Explain state hearing procedures and provide other information necessary for the individual's understanding of the proceedings and the effective presentation of his or her case.

(d) Explain that the appellant or representative may examine the case file prior to the hearing.

(C) Attendance

(1) Attendance at the hearing is limited to the following:

(a) The agency representative.

(b) The individual and/or authorized representative.

(c) Legal representation for the individual and for the agency.

(d) Witnesses called by the individual and the agency to present relevant testimony.

(e) Other persons, only if the individual agrees and if their attendance does not interfere with the orderly conduct of the hearing.

(2) When the hearing involves one of the medical determination issues listed in this paragraph, the agency representative shall be an employee of the medical determination unit or agency, or an agent of that office.

(a) Medical determination issues include the following:

(i) Prior authorization for medical services.

(ii) Need for long-term care.



(iii) Determination of disability and incapacity.

(iv) Precertification of hospital admissions and medical procedures.

(v) Preadmission screening and resident review (PASRR) determinations made by the Ohio department of mental health and addiction services and the Ohio department of developmental disabilities.

(vi) Coordinated services program (CSP) issues, including enrollment, continued enrollment, denial of a requested designated provider change, and denial of payment for services by a nondesignated provider.

(vii) Home and community-based services (HCBS) waiver determinations.

(viii) County board of developmental disabilities actions.

(b) The medical determination unit shall participate in the hearing, either in person or by telephone.

(c) If the medical determination unit is to participate in the hearing by telephone, such participation shall be as described in rule 5101:6-6-04 of the Administrative Code.

(3) When the hearing involves a managed care plan or "MyCare Ohio" plan, a representative of the managed care plan or "MyCare Ohio" plan shall participate in the hearing as the agency representative.

The managed care plan or "MyCare Ohio" plan representative shall participate in the hearing either in person or by telephone.

If the managed care plan or "MyCare Ohio" plan representative participates in the hearing by telephone, such participation shall be as described in rule 5101:6-6-04 of the Administrative Code.

(4) Any disputes regarding attendance shall be resolved by the hearing officer prior to the hearing.