

5101:6-6-04 TELEPHONE HEARINGS AND HEARINGS INVOLVING PARTICIPATION BY TELEPHONE.

(A) TELEPHONE HEARINGS

AT ITS OPTION, THE DISTRICT HEARINGS SECTION MAY SCHEDULE SOME OR ALL HEARINGS AS TELEPHONE HEARINGS, FOLLOWING PROCEDURES OUTLINED IN THIS PARAGRAPH.

- (1) TELEPHONE HEARINGS SHALL NORMALLY BE CONDUCTED WITH ALL PARTICIPANTS EXCEPT THE HEARING OFFICER PRESENT AT THE LOCAL AGENCY OFFICE. THE HEARING OFFICER SHALL CONDUCT THE HEARING, AS DESCRIBED IN RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE, BY TELEPHONE FROM THE DISTRICT OFFICE OR OTHER SITE SUITABLY EQUIPPED WITH A SPEAKER TELEPHONE.

WHEN A TELEPHONE HEARING CONCERNS ONE OF THE MEDICAL DETERMINATIONS LISTED IN PARAGRAPH (C)(2) OF RULE 5101:6-6-01 OF THE ADMINISTRATIVE CODE, THE AGENCY REPRESENTATIVE SHALL PARTICIPATE IN THE HEARING AS DESCRIBED IN THAT PARAGRAPH.

- (2) SCHEDULING.

- (a) IF THE HEARING IS TO BE SCHEDULED AS A TELEPHONE HEARING, THE SCHEDULING NOTICE SHALL INFORM THE INDIVIDUAL OF THAT FACT AND THAT HE OR SHE MAY CHOOSE TO HAVE A FACE-TO-FACE HEARING INSTEAD.
- (b) THE SCHEDULING NOTICE SHALL INCLUDE A TELEPHONE NUMBER WHICH THE INDIVIDUAL CAN CALL FREE OF CHARGE TO REQUEST A FACE-TO-FACE HEARING AND SHALL EXPLAIN THAT A REQUEST FOR A FACE-TO-FACE HEARING MUST BE MADE NO LATER THAN THREE CALENDAR DAYS PRIOR TO THE DATE OF THE HEARING.
- (c) HEARINGS INITIALLY SCHEDULED AS TELEPHONE HEARINGS WHICH ARE RESCHEDULED AS FACE-TO-FACE HEARINGS AT THE INDIVIDUAL'S REQUEST SHALL BE RESCHEDULED IN ACCORDANCE WITH RULE 5101:6-6-01 OF THE ADMINISTRATIVE CODE.

- (3) DOCUMENTS.

- (a) THE AGENCY SHALL BE RESPONSIBLE FOR SUBMITTING AN APPEAL SUMMARY WITH ALL RELEVANT DOCUMENTS TO THE DISTRICT HEARINGS SECTION AS REQUIRED BY RULE 5101:6-5-01 OF THE ADMINISTRATIVE CODE.
- (b) THE INDIVIDUAL SHALL BE RESPONSIBLE FOR MAILING ANY DOCUMENTS HE OR SHE WANTS CONSIDERED TO THE DISTRICT HEARINGS SECTION PRIOR TO THE HEARING. THE LOCAL AGENCY SHALL ASSIST IN COPYING AND MAILING SUCH DOCUMENTS IF THE INDIVIDUAL REQUESTS.
- (c) IF, DURING THE HEARING, IT IS DETERMINED THAT NOT ALL NECESSARY DOCUMENTS HAVE BEEN RECEIVED BY THE HEARING OFFICER, THE AGENCY SHALL TRANSMIT THE ADDITIONAL DOCUMENTS TO THE HEARING OFFICER, BY

FACSIMILE DEVICE IF POSSIBLE, SO THAT THEY MAY BE EXAMINED BY THE HEARING OFFICER BEFORE THE CONCLUSION OF THE HEARING.

- (d) IF IT IS NOT POSSIBLE TO TRANSMIT THE ADDITIONAL DOCUMENTS TO THE HEARING OFFICER BEFORE THE CONCLUSION OF THE HEARING, THE RECORD SHALL BE HELD OPEN UNTIL THEY ARE RECEIVED. THE INDIVIDUAL SHALL BE GIVEN THE OPTION OF HAVING THE HEARING RECONVENED WHEN THE ADDITIONAL DOCUMENTS ARE RECEIVED.

ONCE THE ADDITIONAL DOCUMENTS ARE RECEIVED AND REVIEWED, THE HEARING OFFICER MAY ALSO DECIDE TO RECONVENE THE HEARING TO RESOLVE QUESTIONS WHICH ARISE UPON REVIEW.

- (e) NO DOCUMENTS THAT WERE NOT AVAILABLE FOR THE INDIVIDUAL TO REVIEW DURING THE HEARING MAY BE SUBMITTED TO THE HEARING OFFICER AFTER THE HEARING, UNLESS THE INDIVIDUAL IS PROVIDED THE OPPORTUNITY FOR REBUTTAL AS REQUIRED BY RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE.
- (4) FOR ALL HEARINGS SCHEDULED AS TELEPHONE HEARINGS, THE LOCAL AGENCY SHALL BE RESPONSIBLE FOR PROVIDING A SUITABLE HEARING ROOM EQUIPPED WITH A SPEAKER TELEPHONE CAPABLE OF CLEAR, RECORDABLE TRANSMISSION OF THE TESTIMONY OF THE PARTICIPANTS.
 - (5) THE HEARING OFFICER IS RESPONSIBLE FOR ENSURING THAT THE HEARING IS RECORDED CLEARLY SO THAT A COMPLETE TRANSCRIPTION MAY BE MADE IF REQUIRED.
 - (6) ALL OTHER HEARING PROCEDURES CONTAINED IN CHAPTERS 5101:6-1 TO 5101:6-9 OF THE ADMINISTRATIVE CODE APPLY EQUALLY TO TELEPHONE HEARINGS.

(B) PARTICIPATION BY TELEPHONE

THE FOLLOWING PROCEDURES APPLY WHEN A MEDICAL DETERMINATION UNIT OR OTHER PARTY IS TO PARTICIPATE IN THE HEARING BY TELEPHONE.

- (1) THE DISTRICT HEARINGS SECTION SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - (a) NOTIFYING THE LOCAL AGENCY THAT THE HEARING WILL INVOLVE TELEPHONE PARTICIPATION, SO THAT A SUITABLE HEARING ROOM CAN BE PROVIDED.
 - (b) NOTIFYING THE MEDICAL DETERMINATION UNIT OR OTHER PARTY OF THE DATE AND TIME OF THE HEARING AND OBTAINING THE TELEPHONE NUMBER WHERE THE REPRESENTATIVE CAN BE REACHED ON THE DAY OF THE HEARING.
 - (c) PROVIDING THE HEARING OFFICER WITH SUITABLE SPEAKER PHONE AND TAPE RECORDING EQUIPMENT.
- (2) THE LOCAL AGENCY SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - (a) PROVIDING A SUITABLE HEARING ROOM.

- (b) PROVIDING A STAFF MEMBER TO ATTEND THE HEARING AND TO BRING THE INDIVIDUAL'S CASE FILE, INCLUDING, IF APPLICABLE, THE APPEAL SUMMARY AND SUPPORTING DOCUMENTATION PROVIDED BY THE MEDICAL DETERMINATION UNIT.

- (3) WHEN THE INDIVIDUAL, LOCAL AGENCY STAFF MEMBER, AND HEARING OFFICER ARE PRESENT AND READY TO BEGIN THE HEARING, THE HEARING OFFICER SHALL CALL THE MEDICAL DETERMINATION UNIT OR OTHER PARTY, ASSURE THAT THE SPEAKER PHONE AND TAPE RECORDING EQUIPMENT ARE WORKING PROPERLY, AND BEGIN THE HEARING.

- (4) THE HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH RULE 5101:6-6-02 OF THE ADMINISTRATIVE CODE.

- (5) THE HEARING OFFICER SHALL BE RESPONSIBLE FOR ASSURING THAT NEW, PREVIOUSLY UNAVAILABLE EVIDENCE IS DESCRIBED IN SUFFICIENT DETAIL FOR THE INDIVIDUAL PARTICIPATING BY TELEPHONE TO OFFER REBUTTAL.

Effective Date: June 1, 1993

Certification: Arnold R. Tompkins

May 18, 1993
Date

Promulgated Under: Revised Code Chapter 119.

Statutory Authority: Revised Code Sections 2301.35, 5101.35

Rule Amplifies: Revised Code Sections 2301.35, 5101.35

Review Date: 12-30-02

Prior Effective Dates: 6-2-80, 9-19-80, 5-1-82, 5-1-85(Emer.), 7-30-85, 4-1-87, 8-20-87, 4-1-89, 4-3-89(Emer.), 6-18-89, 10-21-91(Emer.), 12-26-91