

4101:16-4-04 Adjudication hearings. RESCIND

~~The appropriate specialty section shall determine the need for adjudication hearings in accordance with sections 119.06 to 119.13 of the Ohio Revised Code.~~

~~(A) Prior to the denial, revocation, imposition of a fine or additional continuing education courses or suspension, or a combination thereof of a license issued pursuant to Chapter 4740 of the Revised Code, the appropriate specialty section shall notify the licensee or applicant of their right to request a hearing on the proposed action. The notice shall be in writing and sent by certified mail, return receipt requested.~~

~~(B) The notice shall include:~~

~~(1) The charges or reasons for the proposed action;~~

~~(2) The applicable laws or rules directly involved; and~~

~~(3) A statement informing the licensee or applicant that:~~

~~(a) The licensee or applicant is entitled to a hearing if requested within thirty days of the date the notice was mailed;~~

~~(b) The licensee or applicant may appear in person or be represented by an attorney;~~

~~(c) The licensee or applicant may choose to present their position, argument, or contentions in writing; and~~

~~(d) The licensee or applicant may present evidence, and examine witnesses appearing on the licensee or applicant's behalf and cross-examine the appropriate specialty section's witnesses at the hearing.~~

~~(C) Upon receiving a written request for hearing from the licensee or applicant, the section or its designee shall immediately set the date, time, and location of the hearing. The date set for hearing shall be within seven and fifteen days of receiving the request for hearing, unless continued by the section or its designee on its own motion or continued by agreement of both parties.~~

~~(D) The appropriate specialty section or the secretary of the board may issue subpoenas for any witnesses or to compel the production of any books, records, or papers in accordance with section 119.09 of the Ohio Revised Code upon request of the licensee, applicant, a member of the board, or legal counsel to the board. Such request for subpoenas shall be made no later than fourteen days prior to the date of the adjudication hearing. The service and enforcement of subpoenas shall be made in accordance with section 119.09 of the Ohio Revised Code.~~

~~(E) A licensee or representative of the licensee may request a continuance of the scheduled hearing by submitting a written request no later than fourteen days prior to the scheduled hearing date. The appropriate section or the board secretary may grant a continuance upon good cause.~~

~~(F) All adjudication hearings shall be conducted in accordance with the procedures described in section 119.09 of the Ohio Revised Code.~~

~~(G) Following an adjudication hearing in which an order to revoke, suspend or deny a license, or to impose a fine or additional continuing education or any combination thereof is entered in the appropriate specialty section's records, the appropriate specialty section shall notify the administrative section of this action. The administrative section or the board secretary shall serve upon the affected individual the order of the appropriate specialty section. The order shall include notification to the adversely affected individual of the right to appeal the decision of the section to the court of common pleas as provided in section 119.12 of the Revised Code. The notice of the order shall be served by certified mail, return receipt requested.~~