

4731-13-06

Continuance of hearing.

- (A) Except in matters of summary suspension, the board or the board through its hearing examiner, shall continue the initially scheduled hearing upon its own motion in order to more efficiently and effectively conduct its business unless the circumstances establish that a continuance would not serve the interest of justice. The new hearing date shall be set according to the case management schedule approved by the Board for the type of violation alleged and available from the board's website at <http://med.ohio.gov/>. In setting the new hearing date, the hearing examiner shall make a reasonable attempt to obtain input from the parties. Upon motion of at least one of the parties demonstrating extraordinary circumstances, the hearing examiner may approve a special case management schedule.
- (B) A hearing shall be continued only with the approval of the board or its hearing examiner based upon a written motion of a party or upon the initiative of the hearing examiner.
- (C) A motion for a continuance shall not be granted unless good cause and proper diligence is demonstrated..
- (1) Before granting any continuance, consideration shall be given to harm to the public which may result from delay in proceedings.
- (2) In no event will a motion for a continuance requested less than fourteen days prior to the scheduled date of the hearing be granted unless it is demonstrated that good cause exists which would justify the granting of a continuance.
- (D) No continuance of a hearing for a summary suspension shall be granted without the written agreement of the respondent or the respondent's attorney or attorneys and of the board through its secretary and supervising member.
- (E) If a continuance is granted, the entry granting the continuance shall specify the dates to which the hearing is continued and shall be set in accordance with the case management schedule. Upon motion of at least one of the parties demonstrating extraordinary circumstances, the hearing examiner may approve a special case management schedule.
- (F) Hearings shall not be continued due to the unavailability of a subpoenaed witness without approval of the hearing examiner.
- (1) The hearing examiner may hold the record open to accept a deposition in lieu of live testimony of a subpoenaed witness.
- (2) The procedures set forth in rules 4731-13-20 and 4731-13-20.1 of the Administrative Code shall apply to any deposition in lieu of live testimony taken pursuant to this rule.

Replaces: 4731-13-06
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CERTIFIED ELECTRONICALLY

Certification

09/15/2016

Date

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