

- (A) As used in ~~Chapter 4731-13~~ this chapter of the Administrative Code; ~~"respondent" shall be defined as the person who is requesting or has requested a hearing as provided in Chapter 119. of the Revised Code.~~
- (1) "Respondent" means a person who is requesting or has requested a hearing as provided in Chapter 119. of the Revised Code.
- (2) "Representative of record" means one person designated by each party to be the party's agent for purposes of receipt of service pursuant to this chapter of the Administrative Code.
- (B) ~~The respondent may represent himself or herself or may be represented by an attorney or attorneys who shall be admitted to the practice of law in Ohio. Each attorney representing the respondent shall enter his or her appearance in writing. The respondent may authorize his or her attorney or attorneys to represent the respondent in all facets of a hearing before the board. If the respondent does represent himself, he shall be deemed the representative of record for purposes of Chapter 4731-13 of the Administrative Code.~~
- (C) If the respondent is self represented, he or she shall be deemed the representative of record for purposes of service pursuant to this chapter of the Administrative Code. If the respondent is represented by one attorney, that attorney shall be deemed the representative of record for purposes of service pursuant to this chapter of the Administrative Code. If the respondent is represented by more than one attorney, the respondent shall designate one of those attorneys as the representative of record for purposes of service pursuant to this chapter of the Administrative Code.
- (D) Each representative from the office of the attorney general shall enter his or her appearance in writing. The office of the attorney general shall identify one attorney from that office as the representative of record for purposes of service pursuant to this chapter of the Administrative Code.
- ~~(C)(E) The respondent is shall not be required to personally appear personally at any hearing provided he or she has not been subpoenaed and has authorized his representative to represent him in all facets of a hearing before the board. If a respondent has not been subpoenaed to appear at hearing, a respondent may present his or her position, arguments or contentions in writing.~~
- ~~(D) The respondent or his representative may present his position, arguments, or contentions in writing rather than personally appearing at any hearing provided the respondent has not been subpoenaed.~~
- ~~(E) The representative of record for the respondent shall enter his appearance in writing.~~

- ~~(F) The representative of record from the office of the attorney general shall enter his appearance in writing.~~
- (F) An attorney who has filed notice of appearance with the board shall withdraw his or her representation of a respondent by filing a written notice of withdrawal with the board.
- ~~(G) One who has entered an appearance~~ An attorney who has been designated as a respondent's representative remains the representative of record for purposes of service pursuant to this chapter of the Administrative Code shall remain the representative of record for that party unless and until a representative of that party files a written notice designating another attorney or the respondent as the representative of record ~~withdrawal is filed with the state medical board.~~
- (H) Except as otherwise provided under Chapter 119. of the Revised Code, communications from the board or its attorney hearing examiner shall be sent to the representative of record for each party.
- ~~(I) The members of the medical board shall base their decisions on any matter subject to hearing only on the evidence of record. No information acquired by a member of the medical board in any way other than by review of the evidence of record shall be considered by such member in that member's decision on a matter subject to hearing. The receipt of information about a matter subject to hearing outside the evidence of record shall not disqualify the member from participating in the decision on that matter unless the member excuses himself or herself from participation in the decision on the ground that he or she cannot restrict his or her decision on the matter only to the evidence of record.~~
- ~~(J) Except as otherwise provided under this chapter or by statute, no attorney hearing examiner or member of the state medical board shall initiate or consider ex parte communications concerning a pending or impending adjudicatory proceeding. Nothing contained herein, however, shall preclude the attorney hearing examiner from nonsubstantative ex parte communications on procedural matters and matters affecting the efficient conduct of adjudicatory hearings.~~
- ~~(K) The attorney hearing examiner and members of the state medical board shall disclose on the record the source and substance of any ex parte or attempted ex parte communications. That disclosure shall be made at an adjudicatory hearing or at a board meeting prior to deliberation on a pending or impending adjudicatory proceeding.~~
- ~~(L) Except as otherwise provided under this chapter or by statute, a rule promulgated under this chapter shall apply only to those administrative proceedings for which the notice of opportunity for hearing was mailed to respondent, or his representative, on or after the effective date of the particular rule.~~

~~(M) If any provision of the rules in this chapter is held or if the application of any provision of the rules in this chapter to any person or circumstance is held invalid, the invalidity does not affect any other provision of the rules in this chapter, or the application of any other provision of the rules in this chapter, that can be given effect without the invalid provision or application, and, to this end, the provisions of the rules in this chapter are hereby declared severable.~~

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Certification

Date

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