
POLICY TRANSMITTAL NO. 10-35

DATE: JULY 2, 2010

LEGAL DIVISION

DEPARTMENT OF HUMAN SERVICES
OFFICE OF INTERGOVERNMENTAL
RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:2-5-79.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

340:2-5-79 is revised to allow the Appeals Unit supervisor or assigned administrative hearing officer (AHO) to designate individual fair hearings be conducted by the AHO by telephone.

Original signed on 7-1-10

Charles Waters, General Counsel
Legal Division

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Policy

WF # 10-06 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

340:2-5-79

INSERT

340:2-5-79, 1 page only, revised 6-21-10

340:2-5-79. Telephonic hearings

Revised 6-21-10

(a) Telephonic hearings.

(1) The Appeals Unit supervisor or the administrative hearing officer (AHO) may designate a hearing be conducted by the AHO by telephone.

(2) When a hearing is conducted by an AHO in-person, the AHO may allow a witness, including the client or an Oklahoma Department of Human Services (OKDHS) employee, to testify by telephone, if the AHO determines:

(A) the person's testimony is needed and he or she is unable to testify in person;
or

(B) requiring in-person testimony would be burdensome.

(b) Procedures relating to telephonic hearings.

(1) All procedures, forms, and policies regarding hearings apply to telephonic hearings, unless otherwise specified by the AHO.

(2) The notice of hearing includes instructions to the parties regarding:

(A) the submission of exhibits;

(B) the location of the client and OKDHS employee during the hearing; and

(C) any other instructions regarding pre-hearing and hearing procedures or requirements.

(c) **AHO authority.** The AHO has the authority to issue directions regarding any aspect of a hearing conducted by telephone, even if different than directions and procedures included in other subsections of this Section, if necessary to ensure that the hearing process is fair to the client and OKDHS.