

7406 Final Grievance Resolution

(a)

Any complainant dissatisfied with the results of the review conducted pursuant to Section 7404 shall have 30 days from the receipt of the report specified in Section 7404(d) (4) in which to request a hearing to present his/her complaint orally before an impartial hearing officer/panel. The request shall be made either orally or in writing to the director of the AAA.

(b)

Each AAA shall establish a formal administrative hearing process in compliance with all of the following: (1) The process shall include the time frames within which all of the following shall occur: (A) From receipt of a hearing request, the notification of the complainant and the other party(ies) involved of both of the following: 1. The date, time and location of the hearing. 2. The complainant's and other party's(ies') right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present. (B) From the receipt of a hearing request, the holding of the hearing which shall be no later than 45 days from the receipt of the hearing request. (C) From the date of the hearing, the issuance of a proposed decision in accordance with (b) (5). (D) From the date of receipt of the proposed decision, the issuance of a final decision in accordance with (b) (7). (2) The hearing shall be: (A) Conducted both: 1. By an impartial hearing officer/panel. 2. In an informal manner with testimony being

restricted to the issues requiring resolution. All parties shall have the right to all of the following: a. Be present at the hearing. b. Present evidence and witnesses. c. Examine witnesses and other sources of relevant information and evidence. (B) Be recorded verbatim, either electronically or stenographically. (3) Technical rules of evidence and procedure shall not apply to the hearing. (4) All persons testifying at the hearing shall be placed under oath or affirmation. (5) The impartial hearing officer/panel shall prepare a proposed decision based upon all relevant evidence presented and in consideration of the policies, procedures, regulations and laws governing the program no later than 30 days after the date the hearing was held. At a minimum, the proposed decision shall contain all of the following: (A) A description of each issue. (B) A statement as to whether the complaint was upheld or denied. In the case of complaints that are upheld, an explanation of the remedy for the complaint shall also be included. (C) A citation of applicable laws and regulations. (6) The proposed decision shall be forwarded to either of the following, as appropriate, for the issuance of a final decision. (A) The director of the AAA, unless the complaint is against the director. (B) The chairperson of the governing board when the complaint is against the director of the AAA. (7) No later than 30 days after receipt of the proposed decision, the director or the chairperson shall either: (A) Adopt the proposed decision as the final decision. (B) Write a new final decision. (8) The decision pursuant to (b) (7) shall be: (A) Immediately transmitted to the parties involved. (B) Final and not subject to appeal. (9) The process shall include procedures for ensuring that the remedies, if any, specified in the final decision are implemented.

(1)

The process shall include the time frames within which all of the following shall occur:

(A) From receipt of a hearing request, the notification of the complainant and the other

party(ies) involved of both of the following:1. The date, time and location of the hearing. 2. The complainant's and other party's(ies') right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present. (B) From the receipt of a hearing request, the holding of the hearing which shall be no later than 45 days from the receipt of the hearing request. (C) From the date of the hearing, the issuance of a proposed decision in accordance with (b) (5). (D) From the date of receipt of the proposed decision, the issuance of a final decision in accordance with (b) (7).

(A)

From receipt of a hearing request, the notification of the complainant and the other party(ies) involved of both of the following:1. The date, time and location of the hearing. 2. The complainant's and other party's(ies') right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present.

1.

The date, time and location of the hearing.

2.

The complainant's and other party's(ies') right to be present at the hearing and/or to have another person act on their behalf, including the right to have legal counsel present.

(B)

From the receipt of a hearing request, the holding of the hearing which shall be no later than 45 days from the receipt of the hearing request.

(C)

From the date of the hearing, the issuance of a proposed decision in accordance with (b) (5).

(D)

From the date of receipt of the proposed decision, the issuance of a final decision in accordance with (b) (7).

(2)

The hearing shall be: (A) Conducted both: 1. By an impartial hearing officer/panel. 2. In an informal manner with testimony being restricted to the issues requiring resolution. All parties shall have the right to all of the following: a. Be present at the hearing. b. Present evidence and witnesses. c. Examine witnesses and other sources of relevant information and evidence. (B) Be recorded verbatim, either electronically or stenographically.

(A)

Conducted both: 1. By an impartial hearing officer/panel. 2. In an informal manner with testimony being restricted to the issues requiring resolution. All parties shall have the right to all of the following: a. Be present at the hearing. b. Present evidence and witnesses. c. Examine witnesses and other sources of relevant information and evidence.

1.

By an impartial hearing officer/panel.

2.

In an informal manner with testimony being restricted to the issues requiring resolution. All parties shall have the right to all of the following: a. Be present at the hearing. b. Present evidence and witnesses. c. Examine witnesses and other sources of relevant information and evidence.

a.

Be present at the hearing.

b.

Present evidence and witnesses.

c.

Examine witnesses and other sources of relevant information and evidence.

(B)

Be recorded verbatim, either electronically or stenographically.

(3)

Technical rules of evidence and procedure shall not apply to the hearing.

(4)

All persons testifying at the hearing shall be placed under oath or affirmation.

(5)

The impartial hearing officer/panel shall prepare a proposed decision based upon all relevant evidence presented and in consideration of the policies, procedures, regulations and laws governing the program no later than 30 days after the date the hearing was held. At a minimum, the proposed decision shall contain all of the following: (A) A description of each issue. (B) A statement as to whether the complaint was upheld or denied. In the case of complaints that are upheld, an explanation of the remedy for the complaint shall also be included. (C) A citation of applicable laws and regulations.

(A)

A description of each issue.

(B)

A statement as to whether the complaint was upheld or denied. In the case of complaints that are upheld, an explanation of the remedy for the complaint shall also be included.

(C)

A citation of applicable laws and regulations.

(6)

The proposed decision shall be forwarded to either of the following, as appropriate, for the issuance of a final decision. (A) The director of the AAA, unless the complaint is against the director. (B) The chairperson of the governing board when the complaint is against the director of the AAA.

(A)

The director of the AAA, unless the complaint is against the director.

(B)

The chairperson of the governing board when the complaint is against the director of the AAA.

(7)

No later than 30 days after receipt of the proposed decision, the director or the chairperson shall either: (A) Adopt the proposed decision as the final decision. (B) Write a new final decision.

(A)

Adopt the proposed decision as the final decision.

(B)

Write a new final decision.

(8)

The decision pursuant to (b) (7) shall be: (A) Immediately transmitted to the parties involved. (B) Final and not subject to appeal.

(A)

Immediately transmitted to the parties involved.

(B)

Final and not subject to appeal.

(9)

The process shall include procedures for ensuring that the remedies, if any, specified in the final decision are implemented.