

**BEFORE THE OKLAHOMA STATE DEPARTMENT OF HEALTH
OFFICE OF ADMINISTRATIVE HEARINGS**

**STANDING ORDER NO. 1
VIDEO-TELECONFERENCE HEARING**

Administrative law hearings may be held using video-teleconference technology. This enables the Court to conduct proceedings without the requirement that all parties be at the same location. The opposing party and/or witnesses may appear at a location closer to where they live and the court personnel may be at another location.

Hearing dockets with more than one hearing: Some types of cases, usually citation or nurse aide, are scheduled to be conducted at one time each month, called a docket. When the parties are some distance from Oklahoma City, the hearing may be conducted by video-teleconference. Hearings may be scheduled on the same docket but at other teleconference locations. The notice of hearing on the citation or other notice will include the location of the video-teleconference. All video-teleconference locations are county health departments.

This standing order will not be enforced for docket cases since the hearings are usually short, simple, and do not require the formality stated in this order. Should a case on a docket raise issues covered below, then this order will govern and provide guidance to the hearing officer and the Department on how to proceed.

All parties are to remain at the video-teleconference location until their case is called and their hearing has been conducted. The Court may dismiss witnesses prior to conclusion of the docket. At the beginning of the docket, each case will be called and the parties will be given the order in which their case will be heard.

Complex cases or individually scheduled cases: For some complex cases it may be more convenient for some parties or witnesses to appear through video-teleconference. The proceedings are similar to those conducted when all parties are in the same room. Everyone sits in front of a television monitor and **can see and hear** the parties at the other location. The television cameras are located so that eye contact appears natural. Sound volume and camera angles can be adjusted so everyone sees and hears comfortably.

The opposing party and/or witnesses should arrive at the designated video-teleconference venue prior to the time of hearing. At the commencement of a video-teleconference, the hearing officer/court clerk/video coordinator will check that the link has been established. The hearing officer will confirm that the witness/person at the remote point can be seen and heard clearly and that witnesses at the remote point can clearly see and hear the hearing officer. The hearing officer will decide and explain the procedure for the video-teleconference prior to testimony being taken.

The Department's representative and witnesses will sit on the **right** side of the table as they are facing the court. The opposing party and witnesses will sit on the **left** side of the table as they are facing the court. Depending on the arrangement of the particular room at the off-site location, seating arrangements may change. Often the Department's attorney and witnesses will be at one location while the other parties and witnesses are at another location.

All parties will use good manners and maintain a civil attitude. All parties will dress and act appropriately as if they were in a formal courtroom. The hearing by video-teleconference is still a court regardless of the setting. Proper decorum will apply and all parties shall act accordingly. No hats will be worn in the courtroom. Identification such as a driver's license or other photo I.D. may be required.

Once a hearing begins, all video-teleconference participants at all locations connected to the conference shall be in full view of the camera at all times, with minimal visual obstructions.

If a recess is taken, the hearing officer will indicate for the record when it starts and stops and when the record is to continue. (The hearing officer should note the presence or absence of those attending and previously identified prior to the recess).

The hearing officer is in charge of the proceedings. Parties and witnesses will be sworn in and testimony taken as in a regular courtroom situation. The entire proceeding will be recorded in both audio and video medium. It is important that only one party talk at a time as directed by the Court.

Exhibits: The parties to a video-teleconference hearing are given adequate notice of the place and time of the hearing. **All exhibits that a party intends to present at a hearing must be submitted to the hearing clerk and opposing party/counsel at least five (5) days prior to the hearing.** All exhibits must be identified numerically and indicate if the exhibit is by petitioner or respondent. (Example: Respondent's Exhibit 1). Like in any hearing, if the author of a document is not present to testify and the document does not come under an exclusion, it may be considered hearsay and may not be admitted into evidence. Letters to the Court or letters to the Department are not part of the evidence unless offered by one of the parties and admitted. The Court's physical address, telephone number, telefax number and email address are as follows:

Office of Administrative Hearings
Oklahoma State Department of Health
1000 N.E. 10th Street
Oklahoma City, OK 73117-1299
Office: (405) 271-1269
Fax: (405) 271-1268
Email: OHA@health.ok.gov

Witnesses: In some cases, witnesses may be required to wait outside the hearing room because of limitations on space or because of a procedural requirement. In most cases, all witnesses will be sworn in at the beginning of the hearing and admonished not to discuss their testimony with other witnesses.

Attorneys: No attorney shall be provided to represent anyone. Any individual party (as distinguished from a corporation or other legal entity) may represent him/herself or hire an attorney. If a party chooses to have an attorney represent them, their fees are the responsibility of that party.

Interpreters: All hearings are conducted in English, and the decision published in English. **If a party or witness who will be appearing at the hearing speaks limited English, or is visually or hearing impaired, notice must be given to the Office of Administrative Hearings at least 5 days prior to the hearing** so accommodation can be made.

Continuances: A request to continue a video-teleconference hearing must be made **within five (5) days before the hearing unless there is a showing of good cause.** The request must be in writing and either mailed, faxed or emailed to the hearing clerk within the time specified. It must provide the specific reason why a continuance is necessary, must indicate the person requesting the continuance, must indicate if the opposing counsel has been contacted and/or whether opposing counsel approves of the continuance request. If the hearing is continued, it will be scheduled on the next available docket or by the hearing clerk, depending on the type of case.

Technical Difficulties: In the rare event that a video link is interrupted or cannot be established, the hearing may be postponed or proceed as a telephone hearing, as determined by the Court.

Dated: June 1, 2015.

/s/Suzanne Nichols
ADMINISTRATIVE LAW JUDGE

/s/Michael Mitchelson
ADMINISTRATIVE LAW JUDGE

/s/Kim Heaton
ADMINISTRATIVE LAW JUDGE

/s/Jan Preslar
ADMINISTRATIVE LAW JUDGE

/s/Mary Womack
ADMINISTRATIVE LAW JUDGE

Office of Administrative Hearings
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Oklahoma City, OK 73117
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