

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

**STANDING ORDER NO. 2  
PRE-HEARING PROCEDURE ORDER  
(Department will attach to its first pleading)**

This order shall apply to all cases in which the Department has filed a petition attempting to revoke or suspend a license or certification of an individual or institution or to assess an administrative penalty. It does not apply to citations issued by the Department. If it is not clear whether or not this order is applicable, it should be assumed to cover a case until the hearing officer notifies the parties that it does not.

The Board of Health has adopted rules governing the procedure for administrative hearings (310:2-21-10. Pre-hearing procedure). This rule requires that a case be commenced by the filing of a petition which is followed by the filing of an answer. It also requires that 30 days after the answer is filed, both parties file a statement called the Initial Disclosure Statement. This order is adopted to supplement that rule and to govern procedure following completion of those requirements. It is the responsibility of all parties to be familiar with those rules and to comply with them.

Pre-hearing conferences are usually conducted by telephone and are for the purpose of dealing with one or more of the following matters:

- (1) Exploration of settlement possibilities. (Parties must discuss settlement prior to hearing.)
- (2) Preparation of stipulations.
- (3) Formulating, clarifying and simplifying of issues.
- (4) Plan for conducting discovery with completion dates.
- (5) Rulings on the identities, and limitation on the number, of witnesses.
- (6) Objections to proffers of evidence.
- (7) Order of presentation of evidence and cross-examination.
- (8) Rulings regarding issuance of subpoenas and protective orders.
- (9) Schedules for the submission of written briefs.
- (10) Schedules for the conduct of future hearings or trial.
- (11) Arranging for the exchange of exhibits.
- (12) Any other matter to promote the orderly and prompt conduct of the adjudication and the interest of justice.

Following the completion of the pre-hearing conference, the hearing officer shall issue a pre-hearing order, or direct one of the parties to prepare the order, incorporating the matters determined at the pre-hearing conference. The order shall recite the agreements made by the parties as to any of the matters considered and limit the issues to those not disposed of by admissions or agreements of counsel. Such order, when entered, controls the subsequent course of the proceeding, unless modified to prevent manifest injustice.

The parties should confer prior to the first pre-hearing conference regarding the topics listed above. Any issue requiring early resolution should be brought to the Court's attention at the pre-hearing conference. A trial date and/or scheduling order will be determined at the pre-hearing conference.

**NOTICE:** A statement amending the Initial Disclosure Statement must be submitted to the Office of Administrative Hearings and to all other parties **at least 5 days** prior to the date of the hearing.

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

**NOTICE**  
**Under Oklahoma law, any party to a proceeding who is not  
an individual is prohibited from representing itself before  
this Court.**

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