

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**3301-73-10 Continuance of a hearing.**

- (A) The department may continue a hearing on its own motion as provided by the rules in this chapter and Chapter 119 of the Revised Code.
- (B) The parties may agree to continue a hearing. If the parties agree to continue a hearing, the hearing officer ~~shall~~will grant a continuance of the hearing.
- (C) The hearing officer may continue a hearing upon a written motion of any party. Unless the parties agree, hearings ~~shall~~will not be continued upon motion by a party unless a showing of reasonable cause and proper diligence is presented. Before granting any continuance, the hearing officer ~~shall~~will consider the showing of reasonable cause and proper diligence along with the potential harm that may result from the granting of the motion. The hearing officer may grant a continuance if requested less than seven calendar days prior to the scheduled date of the hearing if the parties agree or if a party demonstrates that an extraordinary situation exists which could not have been anticipated and which would justify the granting of a continuance.
- (D) All motions for a continuance and any supporting documentation ~~shall~~are to be filed with the department and served by the moving party on both the hearing officer and the opposing party.
- (E) If a continuance is granted, the hearing officer ~~shall~~will, without any unnecessary delay, establish a new hearing date and notify the parties, in writing, of the new hearing date.

**Commented [DM1]:** Changes made throughout the rule according to SB 9, 134th GA, to remove restrictive regulatory language.