

ADAMHS BOARD FOR MONTGOMERY COUNTY		BP # 112	
TITLE  BOARD	SUBJECT  APPELLATE HEARINGS		
	EFFECTIVE DATE  12/16/81		SUPERSEDES DATE  3/25/81

It shall be the policy of the Mental Health Board for Montgomery County, except as otherwise provided herein, to allow any contract or applicant agency adversely affected by a motion adopted by the Board or any staff action taken pursuant thereto, an appellate hearing.

The contract between the Board and each of its agencies provides for a Board determination of breach, notice, a hearing if requested, and in the Board's discretion, an opportunity to cure. The agency having been given a contractual right to hearing and review, the contractual procedure shall be the sole remedy available to the agency and the appellate procedure described herein shall not be applicable to any motion of the Board which relates to breach of contract.

Furthermore, a motion which is adopted by the Board and is directed to a contractual matter which, pursuant to 340.30 (G) of the Ohio Revised Code, is submitted to advisory mediation, shall not be appealed hereunder.

The following procedure shall govern an appeal:

1. The agency shall deliver a notice of appeal to the Board office, directed to the attention of the Chairperson of the Board, no later than seven (7) days after the Board or staff took the action from which the agency seeks an appeal.
2. The agency shall deliver a written statement of its position, and any supporting documentation therefore, to the Board office, directed to the attention of the Chairperson of the Board, within fourteen (14) days of the date of delivery of its notice of appeal. The agency shall deliver twenty (20) copies of the statement of its position, as well as any documentation therefore, to the Board office. The copies shall be promptly distributed to all Board members and appropriate staff.
3. The Board staff, with advice and assistance of counsel, shall prepare a written response to the position of the appellate agency and deliver the original to the Chairperson of the Mental Health Board within fourteen

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(14) days of the date that the agency delivered the written statement of its response to the appealing agency, which copy shall be directed to the attention of the chairperson of the agency's board.

4. A hearing shall be held no later than seven (7) days after the delivery of the staff's response to the Chairperson of the Mental Health Board. The following procedure shall be followed at the hearing:
  - a. The Chairperson of the Board shall preside. Counsel to the Board shall be present to assist and advise the Chairperson when deemed necessary by the Chairperson.
  - b. The agency shall be given thirty (30) minutes to orally argue its appeal. The agency may reserve any part of its thirty (30) minutes for rebuttal.
  - c. The Board staff shall be given thirty (30) minutes to argue its position on the subject of the appeal.
  - d. The agency, if it has reserved rebuttal time, shall be permitted a rebuttal.
  - e. The members of the Board may question any of the proponents during the time allotted to argument.
5. The Board shall deliberate upon the subject of the appeal.
6. The Board shall vote upon the issue or whether or not the appeal shall be sustained.
7. The Secretary shall transcribe the results of the vote, place the results in the minutes of the Board, and provide the agency with a copy thereof.
8. A tape recording shall be made of the appellate hearing as well as the deliberations of the Board.