



Office of Administrative Hearings

An Introduction



1

What is the OAH?

OPE Report RE Perception of Bias in Administrative Hearings

2016

OAH is operational to handle contested case proceedings with two primary functions

- Mandatory
- Permissive

1 Jan. 2023

2022

Legislation passed to address “the independence and impartiality of hearing officers in the Administrative Hearing Act and contested case proceedings”

2

2016 OPE Report (16-02, February 2016):
 “Risk of Bias in Administrative Hearings”

Concluded that “most agencies have built some safeguards into their hearing procedures”, but that “real and perceived conflicts can be inherent in the structure,” “pose a risk that bias will be present,” and “public confidence in the hearing process can be undermined.”

History

3



OAH’s Primary Mission

Provide independent, unbiased administrative hearing officers and other services to Idaho agencies and the public

4



How Will It Do That?

Consolidate and standardize administrative hearing officer functions through a central, independent agency.

5

OAH's Goals

PRIMARY GOALS

- Transparency
- Objectivity
- Consistency

SECONDARY GOALS

- Rules
- Education
- ADR

6

Powers and Duties of the Chief Administrative Hearing Officer

Conduct	Conduct contested case proceedings and other permissive matters
Appoint and supervise	Appoint and supervise hearing officers • Designate a Deputy Chief Administrative Hearing Officer
Promulgate	Promulgate rules
Establish	Establish a Code of Conduct
Protect and Ensure	Protect and ensure decisional independence
Monitor	Monitor the quality of contested case proceedings
Contract	Contract with contract hearing officers and agencies

7

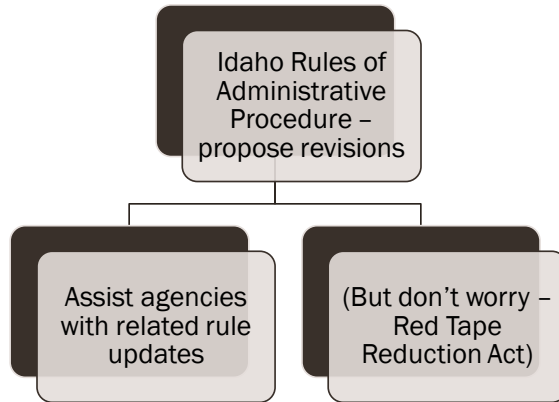
Code of Conduct

Applies to All Hearing Officers, In-House and Contract



8

Rule Promulgation Goals



9



Mandatory Function

APPEALS OF AGENCY ORDERS

10

Future Mandatory Proceedings

Health and Welfare matters *on/after* January
1, 2024

11

Permissive Functions

Adjudications

Arbitrations

Mediations

12

What Does it Take to be a Hearing Officer?

- Hearing Officer Requirements
 - Age
 - Citizenship
 - Licensure
 - Not Engage in any Prohibited Conduct
- Code of Conduct
- Oath of Office

13

Statutory Prohibitions for Hearing Officers

- Engaging in the Practice of law outside of the Hearing Officer's role with the Office of Administrative Hearings
- Holding or being a candidate for any federal, state, county, municipal, district, or elective office
- Serving as the agency, representative, officer, political treasurer, or employee, whether for profit or otherwise, of any political party, political committee, or candidate
- Holding any other public or private-sector position, whether for profit or otherwise, except for volunteer positions that are not inconsistent with their duties as a Hearing Officer

14

How Hearing Officers Are Assigned

Chief Administrative Hearing Officer makes assignment.

Agencies and state officials prohibited from influencing selection of a particular hearing officer (except mediations)

Agencies can advise OAH in writing of expertise needed or desired in certain types of proceedings.

15

Agency Website

OAH.IDAHO.GOV

16

Questions?