



pennsylvania
DEPARTMENT OF HUMAN SERVICES

BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF: Standing Practice Order
Formal Appeals
Order No. SPO-Rev-0305

STANDING PRACTICE ORDER

AND NOW, this _____ day of _____, 20____, it is hereby **ORDERED** that all parties to formal proceedings for appeals, excluding appeals arising from 55 Pa. Code Chapter 41, shall conform to the hearing procedures specified within this Standing Practice Order.

Tracy L. Henry, Esquire
Chief Administrative Law Judge

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PART 1: GENERAL PROVISIONS

RULE 1: Definitions

The following shall have the particular meaning as used within these rules:

“Adjudication” - An order, degree, decision, determination or ruling by the bureau affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of the parties to a formal proceeding.

“Administrative Hearing” - Any proceeding before the Bureau of Hearings and Appeals in which an Administrative Law Judge creates a tape or stenographic record.

“Administrative Law Judge (ALJ)” - The Director, or an employee of the Bureau of Hearings and Appeals appointed according to statute and designated to preside at hearings or conferences or other officers specially provided for and designated to conduct specified classes of proceedings.

“Attorney” - An individual licensed or otherwise permitted to practice law by the Supreme Court of Pennsylvania.

“Appeal and Appellant” - A person who complains to the bureau that the department has acted incorrectly or failed to act correctly as provided by law in a matter which, by law, the bureau is permitted to hold an administrative hearing.

“Bureau or BHA” - The Bureau of Hearings and Appeals with the Department of Human Services.

“Continuance” - An order by the bureau rescheduling an administrative hearing to another date or time.

“Department” - The Department of Human Services (DHS) of the Commonwealth of Pennsylvania or a county children and youth agency acting on behalf of DHS, or any private foster care agencies placing children in foster care. “Department” may also refer to the Departments of Health or Aging in appeals taken from the administrative action by those agencies.

“Discovery” - The process by which parties to a formal proceeding exchange information prior to an administrative hearing.

“Document” - A relevant and material writing, of single or multiple pages, submitted to the bureau of informational purposes connected to an appeal.

“Exhibit List” - A list of documents, photos or other materials a party intends to present in support of its case at the administrative hearing.

“Filing” - The physical receipt of a document at the bureau.

“Formal Proceedings” - Those administrative hearings designated by the Director of BHA, excluding appeals arising from 55 Pa. Code Chapter 40, to be conducted under 1 Pa. Code Chapters 31, 33, 35 as supplemented by this Standing Practice Order.

“Motion” - A motion is a written request, in connection with an appeal, for the bureau to take some action permitted by law.

“Notice” - A notice is the written method to provide information you believe BHA is required to recognize as part of the appeals procedure or which information will affect the appeals procedure.

“Party” - A person or corporate entity recognized by law as directly connected to the outcome of an appeal and who/which filed a writing specifying such an interest with the bureau, including the appellant, the department, a county agency or private agency empowered by the department to implement regulations on behalf of the department, the guardian ad litem for a child, an intervenor, or additional defendant.

“Rule” - Unless otherwise specified, the term “Rule” shall refer to a rule listed in this Standing Practice Order.

“Service” - A requirement that one party give a copy of documents filed with the bureau to all other parties to an appeal, including written notice of any document to be entered into evidence. In the case of a subpoena, to notify a person summoned to testify or produce documents before the bureau of the time and date of appearance by giving the summoned person a completed subpoena.

“Special Accommodations” - Refers to the needs of persons with limited English proficiency or persons with physical disabilities who require additional assistance in order to participate meaningfully in an administrative hearing.

“Stay” - An order issued to suspend part or all of an appeal because some other legal matter or circumstance that may affect the appeal process must be resolved first.

“Stipulation” - A written agreement signed by the parties in which the parties aver certain important facts in the case to be true and correct.

“Subpoena” - A written order from BHA directing the person named to appear at an administrative hearing and testify as a witness and/or to bring specific items to an administrative hearing.

“Witness List” - A list submitted by a party listing the person(s) whom the party seeks to have testify at an administrative hearing.

RULE 2: Title and Citation of Rules

All rules contained herein shall be known and cited as SPO Rule #_____.

RULE 3: Jurisdiction and Confidentiality

This Standing Practice Order (SPO) shall supplement hearing procedures specified at 1 Pa. Code Chapters 31, 33, 35 and which involve formal proceedings. Pre-hearing matters include, but are not limited to, filings, requests to change the hearing date for good cause (continuances), exchange of information (discovery), requests for subpoenas and motions.

The parties are instructed to adhere to all relevant and applicable federal and state statutes and regulations regarding confidentiality.

RULE 4: Scope and Interpretation

(a) This SPO supersedes all previous versions of the SPO and applies to formal proceedings scheduled for hearing at any of the offices of BHA.

(b) The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The presiding officer at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

RULE 5: Special Accommodations

If any party or witness needs a special accommodation, the affected party must notify the pre-hearing official during the initial pre-hearing conference, or the regional manager, as soon as possible after the initial pre-hearing conference so necessary arrangements may be made.

PART 2: ATTORNEYS

RULE 6: Representation by an Attorney

- (a) An appellant or other party is not required to be represented by an attorney during a formal proceeding.
- (b) Individuals who do not have an attorney may contact the Pennsylvania Bar Association Lawyer Referral Service to obtain the name of an attorney to represent them at (800) 692-7375 or (717) 238-6807.
- (c) Individuals who cannot afford an attorney may qualify for assistance from one of the local legal services corporations (see list attached at the end of this SPO) located around the state.
- (d) Bureau employees cannot provide legal advice to individuals who represent themselves in the appeal process or to any attorney. "Legal advice" includes explaining appeal rights, explaining regulations or law, doing legal research or telling someone what paperwork to prepare or how to prepare it. Bureau employees can explain the appeal procedure and where someone could find the regulations or law which covers the issue on appeal.

RULE 7: Required Attorney Notice of Appearance and Withdrawal

- (a) Attorneys retained to represent the parties in a formal appeal shall submit a Notice of Appearance, similar in form to that which is attached to this SPO.
- (b) Attorneys who no longer represent a party to a formal proceeding shall notify BHA by filing a written Withdrawal of Appearance, similar in form to that which is attached to this SPO.

RULE 8: Effect of Representation by an Attorney

- (a) An act or failure to act by an attorney has the same effect as if the party for whom the attorney has entered an appearance performs it or fails to perform it.
- (b) Any service or notice required by this SPO to be given by one party to another shall be complete if such service or notice is given in the prescribed manner to the attorney who has entered an appearance for that particular party.

PART 3: DOCUMENTS AND FILING

RULE 9: Role of the Regional Manager

Following a pre-hearing conference or after the parties receive notice of a hearing date, the parties shall direct all communications with the bureau through the regional manager or the ALJ specifically designated by the regional manager to handle pre-hearing matters.

RULE 10: Format of Documents Submitted to the Bureau

- (a) All documents submitted to the bureau shall be on letter-size paper or paper folded to a letter size of 8 to 8 1/2 inches wide by 10 1/2 inches to 11 inches long, with the left-hand margin not less than 1/2 inches wide and with other margins not less than 1/2 inch.
- (b) The parties, insofar as possible, shall submit typewritten documents, containing either 10- or 12-point type, except where signed. Handwritten documents shall be printed in ink.
- (c) Any filed document shall contain an impression on only one side of the paper and shall be double-spaced, except that quotations in excess of a few lines shall be single-spaced and indented.
- (d) Any filed document shall contain numbered paragraphs, generally consisting of no more than a sentence or two, pertaining to a single subject.
- (e) Documents are not required to possess “bluebacks” or “cappers” and need to be fastened only at the upper left corner by a staple or clip.
- (f) Parties should submit only an original of any document. Photographic copies may be submitted in place of the original for exhibits and attachments but only if the submitting party obtains the bureau’s approval.
- (g) Any document, except for exhibits or attachments, shall display the caption of the appeal at the top of the page.
- (h) Any document submitted must identify the name and address of the party who is its maker, must be dated and must be signed in ink.
- (i) Failure to submit a legible document or one in the required format may result in the contents of that document not being considered for its submitted purpose.

RULE 11: Filing, Service and Proof of Service

- (a) A document will not be considered by the bureau for its intended purpose unless it is filed at the office of BHA on or before the day it is due.
- (b) Documents may be filed by facsimile (“fax”) transmission but prior permission is required from the regional manager or ALJ. The original document must be filed within five (5) days of the faxed document.
- (c) A party who submits a document to the bureau by mail is responsible to do so far enough in advance of the day so that the document is received before the due date.
- (d) Each party who submits a document to the bureau must send a copy of that document to all other parties by first class mail or alternate or by hand-delivery. Each party must submit a certificate of service to the bureau listing the name and address of every party to which a copy was sent. A certificate of service is required for each document and must be filed at the time the document is filed with the bureau. The certificate of service shall be similar to the form attached to this SPO.
- (e) Any notice or other written communication required to be served upon or furnished to a party shall also be served upon or furnished to the party’s attorney in the same manner as it is served upon the party.

PART 4: MOTIONS

RULE 12: General Rule

- (a) Motions may be filed, submitted or made at any time.
- (b) A party who desires to obtain a procedural or interlocutory ruling or obtain any other relief from the bureau, prior to an administrative hearing, shall file a written motion with the regional manager, substantially in the format set forth in the sample form attached to this SPO.
- (c) A party who desires to obtain a procedural or interlocutory ruling or obtain other relief from the bureau during an administrative hearing may make the motion orally upon the record or in writing at the time of the administrative hearing. The ALJ may require an oral motion be reduced to writing and filed subsequent to the administrative hearing.
- (d) The form, filing, service, and proof of service of a written motion shall conform to SPO Rules 9, 10 and 11
- (e) Before filing a written motion, a party shall contact all other parties to the formal proceeding, if possible, and ask whether they will or will not object to the request contained within the motion. The other party's response or the movant's inability to contact another party should be noted within the motion.
- (f) A party is not required to file a brief in support of its motion, although parties are advised that briefs may be filed and can assist the bureau.

RULE 13: Objections to Motions

Any party to a formal proceeding shall have 10 days within which to respond to any written motion unless another period of time is otherwise fixed by the regional manager.

RULE 14: Resolution of Motions

- (a) The regional manager may designate an ALJ to rule upon any motion prior to the commencement of the administrative hearing where ruling prior to the hearing is essential for the orderly and fair conduct of the hearing.
- (b) A motion for which the bureau does not enter an order within thirty (30) days is deemed denied without prejudice.
- (c) With the exception of a final dispositive motion, a motion submitted or made during the hearing will be decided by the ALJ presiding at the hearing.
- (d) Final dispositive motions, including motions for dismissal or summary judgment, shall be made no later than fifteen (15) days before the hearing on the merits, unless good cause is shown.

PART 5: SUBPOENAS

RULE 15: General Rule

(a) Subpoenas may be issued by the Regional Manager but only when a party submits a written request describing who and/or what is requested and a brief explanation how the subpoenaed person's testimony or documents will assist the Administrative Law Judge in deciding the issue on appeal. This explanation must be separate and apart from any witness list.

(b) In Child Abuse Expunction appeals, requestors desiring subpoenas should use the Unified Pre-Hearing Filing. Parties must attach completed subpoenas when submitting the Unified Pre-Hearing Filing or when requesting subpoenas.

RULE 16: Format of Subpoenas

(a) A party who requests a subpoena must fill out a separate subpoena for each witness in substantially the form which is attached to this SPO using the following format:

1. Print or type the name of the appeal after the words "**In the Matter of:**".
2. Print or type the docket number after the words "**Docket No.:**".
3. Print or type the name and address of the person whose presence you want to compel at the hearing after the word "**To:**".
4. Print or type the address of the BHA office where the hearing will be held on the two blank lines following the words "**located at**".
5. Print or type the time of the hearing after the word "**at**".
6. Print or type the date of the hearing after the word "**on**".
7. Print or type your name, address, telephone number and the date in the blank spaces after the words "**Issued by:**".
8. If the person is to bring any items to the hearing, fill in the description of those items in the blank space following the phrase "**AND, bring with you without fail the following:**".

(b) A blank subpoena is enclosed with this SPO, from which copies may be made in the event a party desires to subpoena more than one witness.

RULE 17: Time to Request Subpoena

(a) A party shall submit to the Regional Manager a written request for the issuance of subpoenas, including the completed subpoenas, no later than fifteen (15) days before the hearing.

(b) A party shall serve all other parties to a formal proceeding with a copy of the written requests and completed subpoenas submitted to the Regional Manager.

(c) Once approved and signed, subpoenas will be returned to the party who requested them. The requesting party is responsible for delivery of the subpoena(s) to the witness(es) and payment of witness fees and mileage costs.

RULE 18: Limitations on Subpoena Approval

(a) Upon request of a party or when deemed necessary sua sponte, the regional manager may choose not to issue a subpoena or choose to limit the scope of a subpoena if:

1. A party does not sufficiently describe the documents requested or demonstrate the need for or the relevance of a witness, or
2. The requested documents contain confidential information protected by law, or
3. The testimony or documents sought are redundant, irrelevant or immaterial to a particular appeal.

(b) The regional manager may direct redaction of portions of documents, requested by a subpoena but made confidential by law, by noting on the subpoena that “all materials that are statutorily protected from disclosure should be redacted.”

(c) A subpoenaed party who responds to a subpoena with a claim that the subpoena requests documents or other materials that are in part or wholly confidential must explicitly note the basis for claiming the documents are confidential. The subpoenaed party must file two sets of the documents with the regional manager; one set with all the alleged confidential material redacted and one set without redaction.

PART 6: CHANGES TO HEARING DATE

RULE 19: Stay of Proceedings

- (a) All parties aware of a separate legal proceeding should file notice of the same with the bureau if the same or substantially the same facts as those in the formal appeal before the bureau are the subject of the separate legal proceeding.
- (b) A party who becomes aware of compelling reasons why BHA should stay the appeal must file a written motion for a stay as soon as practicable.
- (c) A party filing a notice concerning a separate legal proceeding should inform the bureau who is conducting the separate proceeding, what that proceeding concerns, and the status of that legal proceeding.

RULE 20: Continuances Requested by Parties

- (a) A party must request changes in a hearing date or time by filing a written motion with the bureau.
- (b) Continuances will be granted only if the contents of the motion demonstrate good cause for changing the date or time for the scheduled administrative hearing and absent substantial prejudice to the opposing party.

RULE 21: Extension of Time

If a party misses a deadline or requires additional time to do what is required by this SPO, the party desiring additional time must submit a written motion for extension of time to the regional manager. This motion should be similar to the Motion for Extension of Time or Motion for Extension of Time Nunc pro Tunc, which is attached to this SPO.

PART 7: DISCOVERY

RULE 22: General Rule

- (a) Title 1 Pa. Code §35.112, §35.114, and 1 Pa. Code §35.187 specifically authorize the use of discovery conferences for the discovery or production of data to aid in expediting the orderly conduct and disposition of a formal proceeding.
- (b) The practice of the bureau has been to direct parties to exchange material and relevant information which a party intends to use in a formal proceeding as soon as practicable after a hearing has been scheduled in order to avoid delay of the hearing date.
- (c) Disputes over discovery by parties may be resolved by motions to compel discovery or by requesting a telephonic or other conference from which an order may be issued to limit discovery or to issue protective orders, which protect privileged or confidential information.
- (d) For Child Abuse Expunction appeals, 23 Pa C.S. § 6341(c.2)(4) requires the department or county agency to provide the person making an appeal with all evidence gathered during the child abuse investigation that is relevant to the determination, including potentially exculpatory evidence. The evidence is to be provided no later than ten days following the entry of a scheduling order.

RULE 23: Witness List

- (a) Except for Child Abuse Expunction appeals, a party shall file an initial Witness List with the regional manager and shall provide every other party with a copy of the witness list no later than ten (10) days after the issuance of this SPO.
- (b) The Witness List shall be similar to the same form as the blank sample witness list attached to this SPO.
1. The list shall include the name and address of each person you expect to bring or make appear as a witness at the hearing and a brief description of what the witness will say and what those statements will prove.
 2. The Witness List shall not be combined with the Exhibits List and will not be accepted as a substitute for a separate written application for issuance of subpoena.
 3. The filing of the initial Witness List and any amended list does not require a party to have the listed witnesses appear at the administrative hearing.
 4. The ALJ presiding at the administrative hearing will determine whether witnesses appearing at the time of the hearing will be permitted to testify.
- (c) An initial Witness List may be amended or supplemented by serving the regional manager and every other party with an amended list containing the new witness(es) and the same information relating to the new witness that would have appeared if you had included the same on your initial Witness List, including a brief description of the testimony to be provided through that proposed witness.
- (d) If a party decides not to use a witness included on a Witness List, that party must immediately notify the regional manager and every other party by filing an amended list that removes the name(s) of the witness(es).
- (e) A party that intends to have a witness testify by telephone in a formal appeal shall submit a motion. Guidelines for requesting and criteria for granting telephonic testimony are attached to this SPO.
- (f) A Witness List for Child Abuse Expunction appeals shall be filed according to the instructions specified in the Unified Pre-Hearing Filing.

RULE 24: Exhibit List

- (a) Except for Child Abuse Expunction appeals, a party shall file an initial Exhibit List with the regional manager and shall provide the other party with a copy of the Exhibit List within ten (10) days after the issuance of this SPO.
- (b) The Exhibit List shall be substantially in the same form as the blank, sample Exhibit List attached to this SPO. A copy of each Exhibit should be attached to the Exhibit List with staples (or binder clips if the papers are too thick for stapling) on the upper left corner of the Exhibit List or on the backside of the Unified Pre-Hearing Filing.
1. The Exhibit List shall not be combined with the Witness List and will not be accepted as a substitute for a written application for issuance of subpoena.
 2. The filing of the initial Exhibit List or any amended list does not require the party to produce the listed exhibit(s) at the administrative hearing.
 3. The ALJ presiding at the administrative hearing will determine whether proposed exhibits will be admitted as evidence during the administrative hearing.
- (c) The Exhibit List shall include a description of the exhibits (papers, photographs, charts, models, videotapes, etc.) that a party intends to use as evidence at the administrative hearing. The description of the exhibits must identify each individual item, describe the content of the item and explain what the item will prove at the hearing.
- (d) A party will serve a copy of each exhibit to all other parties, including the regional manager.
- (e) An initial Exhibit List may be amended or supplemented by serving the regional manager and every other party with a copy of the amended list containing information relating to the new exhibit and any information that would have appeared if included on the initial Exhibit List.
- (f) If a party decides not to use an exhibit included in the Exhibit List, that party must immediately notify the regional manager and every other party by filing an amended list that removes the exhibit(s).
- (g) The Exhibit List for Child Abuse Expunction appeals shall be filed according to the instructions specified in the Unified Pre-Hearing Filing.

RULE 25: Stipulations

If there are any facts the parties can agree upon, they shall file a written Stipulation of Facts with the appropriate regional manager as soon as an agreement is reached. The agreement must be signed by all appropriate parties or their duly-appointed representatives.

PART 8: SPECIAL RULES FOR CHILD ABUSE EXPUNCTIONS

RULE 26: Unified Pre-Hearing Filing

- (a) Parties to a Child Abuse Expunction must file a Unified Pre-Hearing Filing with the regional manager no later than twenty (20) days after receipt of the Hearing Scheduling Order.
- (b) The Unified Pre-Hearing Filing is a single form through which each party submits an initial Witness List and an Exhibit List, requests subpoenas and makes any pre-hearing motions.
- (c) The party shall fill in all relevant portions of the Unified Pre-Hearing Filing by either legible handwriting or typewritten.
- (d) The party shall complete the section for the issuance of subpoenas according to the requirements of this SPO.
- (e) A party must serve a duplicate copy of the Unified Pre-Hearing Filing upon every other party to a particular Child Abuse Expunction.
- (f) After filing the Unified Pre-Hearing Filing, a party may request additional subpoenas, file motions, amend Witness or Exhibit Lists using the procedure outlined in SPO Part 5 for subpoenas, SPO Part 4 for motions and SPO Part 7 for witness and exhibit submissions.

RULE 27: Continuances

In Child Abuse Expunction appeals, a party desiring a continuance must submit a motion for same as part of the Unified Pre-Hearing Filing. In Child Abuse Expunction appeals, if you desire to file a motion for continuance after you submit the Unified Pre-Hearing Filing, use the attached Motion for Continuance of Hearing form and file the request more than ten (10) days before the scheduled hearing, or as soon as practicable.

RULE 28: Stay of Proceedings

- (a) Any party in a Child Abuse Expunction appeal must immediately notify the regional manager in writing and provide documentation of the existence of another court proceeding arising from or related to the child abuse appeal to which that party is involved.
- (b) Further proceedings before the bureau, including actions on pending motions except those necessary to preserve evidence and a hearing, will not occur until the bureau is notified of the disposition of the court proceeding.
- (c) All parties to a child abuse appeal shall notify the bureau within fifteen (15) days of disposition of any such related court proceedings.

APPENDIX A: FORMS - 1. NOTICE OF APPEARANCE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of:

Name: _____

Address: _____

I am authorized to accept service on behalf of said participant in this matter.

[CHECK ONE]

- On the basis of this notice, I request a copy of each document hereafter issued by the Bureau of Hearings and Appeals in this matter.
- I am already receiving or have access to a copy of each document issued by the Bureau of Hearings and Appeals in this matter (alone, or in a consolidated proceeding) and do not on the basis of this notice require an additional copy.

SIGNATURE

NAME (PRINTED)

STREET ADDRESS

MAILING ADDRESS (IF DIFFERENT FROM STREET)

CITY, STATE AND ZIP CODE

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER (INCLUDING AREA CODE)

FAX NUMBER (INCLUDING AREA CODE)

ATTORNEY IDENTIFICATION NUMBER

DATE

EMAIL ADDRESS

APPENDIX A: FORMS - 2. WITHDRAWAL OF APPEARANCE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

WITHDRAWAL OF APPEARANCE

Please withdraw my appearance in the above-designated matter on behalf of:

Name: _____

Address: _____

On the basis of this notice, I request a copy of each document hereafter issued by the Bureau of Hearings and Appeals in this matter be sent to:

Name: _____

Address: _____

Telephone: _____

SIGNATURE

NAME (PRINTED)

STREET ADDRESS

MAILING ADDRESS (IF DIFFERENT FROM STREET)

CITY, STATE AND ZIP CODE

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER (INCLUDING AREA CODE)

FAX NUMBER (INCLUDING AREA CODE)

ATTORNEY IDENTIFICATION NUMBER

DATE

EMAIL ADDRESS

APPENDIX A: FORMS - 3. CERTIFICATE OF SERVICE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of § 33.32 (relating to service by a participant).

Dated this _____ day of _____, 20_____.

Signature

APPENDIX A: FORMS - 4. MOTION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

MOTION FOR (specify your request)

- I. **Submitted for:** (name of party)
- II. **Description of requested action:**
- III. **Reasons why each type or form of requested action should be granted:**
- IV. **Statutory, regulatory and decisional law authority supporting this motion:**
- V. **Averment of Concurrence or Opposition of the parties (check one):**
 - A. I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
 - B. I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:

 - C. I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

NAME

DATE

ADDRESS

APPENDIX A: FORMS - 5. APPLICATION FOR ISSUANCE OF SUBPOENA

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

APPLICATION FOR ISSUANCE OF SUBPOENA

- I. **Submitted for:** (name of party)
- II. **Persons to appear:** (name, address, expected testimony, relevance)
- III. **Production of documents is requested from:** (identify custodian and describe each document, content of document and facts to be proved by the document)

NAME

DATE

ADDRESS

APPENDIX A: FORMS - 6. SUBPOENA

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS**

**IN THE MATTER OF:
DOCKET NO.:**

TO:

SUBPOENA

You are **ORDERED** to come to the hearing to be held by the **Bureau of Hearings and Appeals** located at _____, at _____ on _____ to testify to the truth and give evidence in the above-captioned matter, and to remain until excused.

AND, bring with you without fail the following:

Upon your failure to do so, such penalty as provided in the law shall be imposed.

Issued by:

REQUESTING PARTY/ATTORNEY

DATE

ADDRESS

TELEPHONE NUMBER

BY THE BUREAU OF HEARINGS AND APPEALS,

DATE

REGIONAL MANAGER

APPENDIX A: FORMS - 7. MOTION FOR CONTINUANCE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

MOTION FOR CONTINUANCE OF HEARING

- I. **Submitted for:** (name of party)
- II. **Date and location of hearing:**
- III. **Reasons why the continuance should be granted:**
- IV. **Statutory, regulatory and decisional law authority supporting this motion:**
- V. **Averment of Concurrence or Opposition of the parties (check one):**
 - A. I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
 - B. I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:

 - C. I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

NAME

DATE

ADDRESS

APPENDIX A: FORMS - 8. MOTION FOR EXTENSION OF TIME

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

MOTION FOR EXTENSION OF TIME

- I. **Submitted for:** (name of party)
- II. **The act which is required or allowed to be done:**
- III. **Existing due date for what is required or allowed to be done:**
- IV. **Number of additional days and the extended due date requested:**
- V. **Reasons why the extension of time should be granted:**
- VI. **Statutory, regulatory and decisional law authority supporting this motion:**
- VII. **Averment of Concurrence or Opposition of the parties (check one):**
 - A. I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
 - B. I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:

 - C. I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

NAME

DATE

ADDRESS

APPENDIX A: FORMS - 9. MOTION FOR EXTENSION *NUNC PRO TUNC*

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS**

IN THE MATTER OF:

MOTION FOR EXTENSION *NUNC PRO TUNC*

- I. Submitted for:** (name of party)
- II. The act which is required or allowed to be done:**
- III. Existing due date for what is required or allowed to be done:**
- IV. Number of additional days and the extended due date requested:**
- V. Reasons why the extension of time should be granted:**
- VI. Statutory, regulatory and decisional law authority supporting this motion:**
- VII. Averment of Concurrence or Opposition of the parties (check one):**
 - A. I have contacted all parties of record in this matter and informed them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals. The other parties have affirmatively informed me that I may represent to the Bureau of Hearings and Appeals that there is no opposition to this motion.
 - B. I have contacted all parties of record in this matter and informed them of the entire content of this motion prior to submitting it to the Bureau of Hearings and Appeals. The following parties have informed me that they oppose this motion:

 - C. I have not contacted all the parties of record in this matter to inform them of the entire content of this motion before submitting it to the Bureau of Hearings and Appeals but will inform the Bureau of Hearings and Appeals of the concurrence or opposition of the other parties, if so advised, by a supplementary filing.

NAME

DATE

ADDRESS

APPENDIX A: FORMS - 10. WITNESS LIST

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

WITNESS LIST

I. **Submitted for:** (name of party)

II. **This list is (check type):**

Initial

Amended

III. **Persons to appear:** (name, address, expected testimony, relevance)

IV. **Persons to remove:** (names only)

NAME

DATE

ADDRESS

APPENDIX A: FORMS - 10. EXHIBITS LIST

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS

IN THE MATTER OF:

EXHIBITS LIST

- I. **Submitted for:** (name of party)
- II. **This list is (check type):**
 - Initial
 - Amended
- III. **Proposed exhibits:** (description of item, content of item, relevance of item)
- IV. **Proposed exhibits withdrawn from prior submitted lists:** (description only)

NAME

DATE

ADDRESS

APPENDIX B: LEGAL SERVICES

PENNSYLVANIA LEGAL AID NETWORK

The Louise Brookins Building
118 Locust Street
Harrisburg, PA 17101-1414

Phone: (717) 236-9486
(800) 322-7572
FAX: (717) 233-4088
Website: www.palegalaid.net

LAUREL LEGAL SERVICES

Armstrong Office

206 South Water Street
1st Floor
Kittanning, PA 16201

Phone: (724) 548-7674
(800) 475-1239
FAX: (724) 548-8675

Cambria Office

Franklin Center
225 Franklin Street # 400
Johnstown, PA 15901

Phone: (814) 536-8917
(888) 244-7252
FAX: (814) 535-3377

Clarion & Jefferson Office

231 West Main Street
Clarion, PA 16214

Phone: (814) 226-4340
(800) 660-1755
FAX: (814) 548-8675

Indiana Office

655 Church Street, Suite #1
Indiana, PA 15701

Phone: (724) 349-3440
(800) 660-1753
FAX: (724) 349-9774

Westmoreland Office

306 South Pennsylvania Avenue
Greensburg, PA 15601

Phone: (724) 836-2211
(800) 253-9558
FAX: (724) 836-3680

MID-PEN LEGAL SERVICES

Adams Office

128 Breckenridge Street
Gettysburg, PA 17325

Phone: (800) 326-9177
FAX: (717) 344-0863

Blair Office

171 Lakemont Park Boulevard
Altoona, PA 16602

Phone: (800) 326-9177
FAX: (814) 944-2640

Bedford Office

232 East Pitt Street
Bedford, PA 15522

Phone: (800) 326-9177
FAX: (814) 623-6180

Centre, Huntingdon, Juniata & Mifflin

3500 E. College Avenue
Suite 1295
State College, PA 16801

Phone: (800) 326-9177
FAX: (814) 238-9504

APPENDIX B: LEGAL SERVICES

Berks Office

501 Washington Street, #401
Reading, PA 19601

Phone: (800) 299-6599
FAX: (610) 376-8650

Cumberland Office

401 East Louther Street, Suite 103
Carlisle, PA 17013

Phone: (800) 326-9177
(800) 822-5288
FAX: (717) 243-8026

Dauphin & Perry Offices

213-A North Front Street
Harrisburg, PA 17101-2240

Phone: (717) 232-0581
(800) 932-0356
FAX: (717) 232-7821

Lancaster Office

38 North Christian Street
Suite 200
Lancaster, PA 17602

Phone: (800) 732-0025
FAX: (717) 295-2328

Schuylkill Office

315 North Centre Street
Suite 201
Pottsville, PA 17901

Phone: (800) 326-9177
(866) 638-0606
FAX: (814) 623-6180

Clearfield Office

211 East Locust Street
Clearfield, PA 16830

Phone: (800) 326-9177
FAX: (814) 765-1396

Franklin & Fulton Offices

230 Lincoln Way East, Suite A
Chambersburg, PA 17201

Phone: (800) 326-9177
(800) 372-4737
FAX: (717) 264-2420

Lebanon Office

513 Chestnut Street
Lebanon, PA 17046

Phone: (800) 326-9177
FAX: (717) 274-0379

Mifflin Office

3 West Monument Street
Suite 203
Lewistown, PA 17044

Phone: (800) 326-9177
FAX: (717) 248-0791

York Office

29 North Queen Street
York, PA 17403

Phone: (717) 848-3605
FAX: (717) 854-5431

NEIGHBORHOOD LEGAL SERVICES ASSOCIATION

Allegheny Office

928 Penn Avenue
Pittsburgh, PA 15222

Phone: (412) 255-6700
(866) 761-6572
FAX: (412) 355-0168

Butler Office

No physical location

Phone: (724) 282-3888

Beaver Office

Stone Point Landing, Suite 204A
500 Market Street
Bridgewater, PA 15009

Phone: (724) 378-0595
FAX: (724) 378-9795

Lawrence Office

125 East North Street
Suite 329 - Temple Building
New Castle, PA 16101

Phone: (724) 658-2677
FAX: (724) 658-5994

APPENDIX B: LEGAL SERVICES

NORTH PENN LEGAL SERVICES

**Bradford & Susquehanna Office -
Towanda Office**

213 Main Street, Suite 1
Towanda, PA 18848

Phone: (877) 515-7732
FAX: (570) 265-2370

**Clinton, Lycoming & Tioga -
Williamsport Office**

329 Market Street
Williamsport, PA 17701

Phone: (800) 326-7436
(570) 323-8741
FAX: (573) 323-5256

**Lackawanna, Luzerne, Sullivan &
Wyoming - Pittston Office**

33 North Main Street
Suite 200
Pittston, PA 18640

Phone: (570) 299-4100
FAX: (570) 824-0001

Monroe & Pike - Stroudsburg Office

10 North Tenth Street
Stroudsburg, PA 18360

Phone: (877) 515-7726
(570) 424-5338
FAX: (570) 424-8004

Wayne Office

Wayne County Courthouse
925 Court Street
Honesdale, PA 18431

Phone: (877) 515-7465
FAX: (570) 253-1450

Carbon & Luzerne - Hazleton Office

101 West Broad Street
Suite 513
Hazleton, PA 18201

Phone: (877) 515-7628
(570) 455-9512
FAX: (570) 455-3625

**Columbia & Montour - Bloomsburg
Office**

168 East Fifth Street
Bloomsburg, PA 17815

Phone: (877) 515-7079
(570) 784-8760
FAX: (570) 784-4840

**Lehigh & Northampton - Bethlehem
Office**

559 Main Street
Suite 100
Bethlehem, PA 18018

Phone: (610) 317-8757
FAX: (610) 317-8778

Northumberland, Snyder, Union Office

133 North Second Street
Sunbury, PA 17801

Phone: (877) 515-7730
(570) 286-5687
FAX: (570) 286-2203

NORTHWESTERN LEGAL SERVICES

Crawford Office

Professional Building, 4th Floor
231 Chestnut Street
Meadville, PA 16335

New Clients: (800) 665-6957
Phone: (814) 452-6957
(800) 753-5706
FAX: (814) 336-3743

Erie Law Office - Central Intake Office

1001 State Street
Renaissance Center, Suite 700
Erie, PA 16501

New Clients: (814) 452-6957
Phone: (800) 753-5704
FAX: (814) 432-3734

APPENDIX B: LEGAL SERVICES

McKean & Potter Office

100 Main Street
Bradford, PA 16701

New Clients: (800) 665-6957

Phone: (814) 452-6957
(800) 753-5703

FAX: (814) 362-9869

Venango Office

1243 Liberty Street
Suite 406
Franklin, PA 16323

New Clients: (800) 665-6957

Phone: (814) 437-3028
(800) 753-5705

FAX: (814) 437-2274

Mercer Office

1031 Roemer Boulevard
Farrell, PA 16121

New Clients: (800) 665-6957

Phone: (814) 452-6957
(800) 753-5708

FAX: (724) 346-6332

Cameron, Elk Forest & Warren Offices

First Niagara Building, Suite 401
315 Second Avenue
Warren, PA 16365

New Clients: (800) 665-6957

Phone: (814) 452-6957
(800) 753-5707

FAX: (814) 726-7169

PHILADELPHIA LEGAL SERVICE PROGRAMS

Community Legal Services of Philadelphia

Center City Office

1424 Chestnut Street
Philadelphia, PA 19102

Phone: (800) 665-6957

North Philadelphia Law Center

1410 West Erie Avenue
Philadelphia, PA 19140

Phone: (215) 227-2400

Philadelphia Legal Assistance

The Cast Iron Building
718 Arch Street, Suite 300N
Philadelphia, PA 19106

Phone: (215) 981-3800

FAX: (215) 981-3860

LEGAL AID OF SOUTHEASTERN PENNSYLVANIA

Bucks Office

1290 Veterans Highway
Box 809
Bristol, PA 19007

Phone: (215) 781-1111

FAX: (215) 781-1116

Bucks Office

50 North Main Street, 2nd Floor
Doylestown, PA 18901

Phone: (215) 340-1818

FAX: (215) 340-9545

Chester Office

222 N. Walnut Street, 2nd Floor
West Chester, PA 19380

Phone: (610) 436-4510

FAX: (610) 436-5186

Delaware Office

410 Welsh Street
Chester, PA 19013

Phone: (610) 874-8421

FAX: (610) 490-6915

Montgomery Office

248 King Street
Pottstown, PA 19464

Phone: (610) 326-8280

FAX: (610) 326-8282

Montgomery Office

625 Swede Street
Norristown, PA 19401

Phone: (610) 275-5400

FAX: (610) 275-5406

APPENDIX B: LEGAL SERVICES

SOUTHWESTERN PA LEGAL SERVICES

Fayette Office

45 East Main Street, Suite 200
Uniontown, PA 15401

Phone: (724) 439-3591

FAX: (724) 439-6491

Washington Office

10 West Cherry Avenue
Washington, PA 15301

Phone: (800) 846-0871

(724) 225-6170

FAX: (724) 250-1078

Greene Office

63 South Washington Street
Waynesburg, PA 15370

Phone: (724) 627-3127

FAX: (724) 852-4189

Somerset Office

218 North Kimberly Avenue, Suite 101
Somerset, PA 15501

Phone: (814) 443-4615

FAX: (814) 444-0331

PENNSYLVANIA HEALTH LAW PROJECT

Toll Free Helpline in Pennsylvania
1-800-274-3258 or www.phlp.org

Philadelphia Office

Corn Exchange Building
Suite 400
123 Chestnut Street
Philadelphia, PA 19106

Phone: (215) 625-3990

FAX: (215) 625-3879

Pittsburgh Office

The Hollander Building
415 East Ohio Street
Suite 325
Pittsburgh, PA 15212

Phone: (412) 434-5779

FAX: (412) 434-0128

Harrisburg Office

P.O. Box 702
Camp Hill, PA 17001

Phone: (717) 236-6310

FAX: (717) 236-6311

DISABILITY RIGHTS NETWORK OF PENNSYLVANIA

Harrisburg Office

1414 North Cameron Street, 2nd Floor
Harrisburg, PA 17013

Voice: (800) 692-7443

TDD: (877) 375-7139

FAX: (717) 236-0192

Philadelphia Office

The Philadelphia Building
1315 Walnut Street, Suite 500
Philadelphia, PA 19107

Voice: (215) 238-8070

FAX: (215) 772-3126

Pittsburgh Office

429 Fourth Street, Suite 701
Pittsburgh, PA 15219

Voice: (412) 391-5225

FAX: (412) 467-8940

APPENDIX C: PROCEDURE FOR TELEPHONIC TESTIMONY IN FORMAL CASES

RULE 1: Purpose and Scope

In-person testimony is normally preferable to testimony by telephone; however, there can be reasons to justify receiving testimony by telephone. This policy is promulgated to provide the conditions under which testimony by telephone may be scheduled and received, to safeguard the due process rights of the parties, and to ensure that testimony by telephone is received under uniformly applied rules. Testimony by telephone may be received only if granted by the regional manager or presiding ALJ and specifically authorized by this policy.

RULE 2: Scheduling of Telephonic Testimony

- (a) BHA may schedule, on its own motion, or on the motion of either party, testimony by telephone of a party or witness when it appears from the record that the party or witness is located at least 50 miles from the location at which the tribunal will conduct the hearing, without regard to state boundaries.
- (b) BHA may schedule testimony by telephone of a party or witness, at the request of one or more parties, when one of the following applies:
 - (1) The parties consent to the receipt of testimony by telephone.
 - (2) The party or witness is reasonably unable to testify in person due to a compelling employment, transportation, or health reason, or other compelling problem.
- (c) The only party(ies) or witness(es) who may testify by telephone will be a party(ies) or witness(es) authorized to testify by telephone as specified in the ALJ's written order from BHA, or a party(ies) or witness(es) specified by the consent of the parties and approved by the ALJ. The testimony of every other party or witness shall be received in person.
- (d) The BHA will promptly rule on a request that testimony be taken by telephone. The basis for the request, the position of the parties, if known, and the ruling will be documented on the record.
- (e) A party or witness scheduled to testify by telephone will be permitted to testify in person.

RULE 3: Procedures Subsequent to Scheduling

- (a) If a party moves to withdraw consent to the receipt of testimony by telephone prior to the taking of testimony, BHA will allow the withdrawal if it is found that the consent was not freely and knowingly given.
- (b) An objection to the receipt of testimony by telephone shall set forth the reasons in support thereof and shall be promptly communicated to BHA, but may not be asserted subsequent to the taking of testimony.
- (c) BHA will promptly rule on objections to testimony by telephone after a reasonable attempt to obtain the position of the other party. The basis for the objection, the position of the other party, if known, and the ruling will be documented on the record.

RULE 4: Notice of Testimony by Telephone

- (a) When testimony by telephone is to be taken, BHA will mail the order granting telephonic testimony to the parties and, if known, to their counsel or authorized agent in advance of the hearing.

The hearing order will indicate:

- (1) The date and time of the hearing in prevailing Eastern time.
- (2) The names of counsel, authorized agent, parties and witnesses, if known, who are scheduled to appear or testify by telephone.

APPENDIX C: PROCEDURE FOR TELEPHONIC TESTIMONY IN FORMAL CASES

(3) The telephonic testimony will be recorded.

(b) A party intending to testify, to offer the testimony of witnesses, or to be represented by telephone, shall, in advance of the beginning of the hearing, supply BHA with the name, location and telephone number of the persons who will so appear.

(c) When any testimony will be given from or with the aid of a document not previously distributed, the party expecting to introduce the document shall deliver it to BHA and the other party and, if known, counsel or authorized agent before or at the beginning of the testimony. BHA may require that the documents be delivered in advance of the hearing.

RULE 5: Conduct of a telephone Hearing

(a) Before testimony is received, all parties will have the right to object to the telephonic testimony and to request that the witness appear in person.

(b) A party may pursue an objection to telephonic testimony at the hearing and shall set forth reasons in support thereof. If the objection is sustained, BHA will reschedule the hearing at a later date, either in person or by telephone. If the objection is not sustained, BHA may proceed with the hearing.

(c) At the start of the hearing, BHA will state on the record the time and telephone numbers at which BHA initiates the contact with any party, witness, legal counsel or authorized agent who is to testify or appear by telephone.

(d) The proceedings of the hearing will be recorded either via audio recording or steno graphically to preserve the record. A person testifying or appearing by telephone will be advised by BHA that the proceedings are being recorded.

(e) BHA will permit parties a reasonable opportunity to question other parties or witnesses testifying by telephone for the purpose of verifying the identity of the parties or witnesses.

(f) A party or witness not identified to BHA and all other parties before the beginning of the testimony will not be permitted to testify by telephone. Testimony taken or given in violation of this section will be excluded from consideration.

(g) A person may not prompt or direct the testimony of a witness testifying by telephone. Testimony taken or given in violation of this section may be excluded from consideration by BHA, with or without an objection from a party.

(h) A document not listed and provided as required by the applicable BHA rules may not be admitted nor testimony given or taken from it unless consent has been requested from and given by all parties and BHA. Testimony taken or given in violation of this section will be excluded from consideration, as will the document.

(i) The oath or affirmation administered to parties or witnesses testifying by telephone shall indicate that the parties or witnesses will not testify from documents that are not in the record and that their testimony will not be prompted or directed during the hearing by any other person.

RULE 6: Representation by Telephone

The counsel or authorized agent of a party may appear at a hearing by telephone, provided prior written approval from the BHA has been obtained.