

20.2 - Hearing Officers

(Rev. 122, Issued: 05-27-16, Effective: 06-28-16, Implementation: 06-28-16)

CMS appoints a hearing officer to conduct the hearing. The hearing officer does not need to be an administrative law judge (ALJ). In exercising his or her authority, the hearing officer must comply with the provisions of Title XVIII and related provisions of the Act, the regulations issued by the Secretary, and general instructions issued by CMS in implementing the Act.

Hearing officers may not conduct a hearing in any case in which they are prejudiced or partial about any of the parties involved, or if they have any interest in the matter before them. If a party to the hearing objects to the hearing officer conducting the case, they must inform the officer in writing at the earliest opportunity. The hearing officer will

consider the objections and decide whether to proceed with the hearing or withdraw. Vesting the hearing officer with the authority to make his or her own determination regarding the ability to be fair and impartial, subject to appeal only after the matter at hand is heard on the merits, is the same approach used with respect to judges in court proceedings.

If the hearing officer withdraws, CMS will appoint a different hearing officer. If the officer does not withdraw when a party has made objections, the objecting party may present post-hearing objections to CMS, and request a revision of the decision or a new hearing before a different hearing officer. Any requests by the objecting party must be made in writing to CMS.