

40.5.1 - Informal Hearing Procedures

(Rev. 117, Issued: 08-08-14, Effective: 08-08-14, Implementation: 08-08-14)

42 CFR §488.158(g), §§488.201-488.211

CMS will provide written notice of the time and place of the informal hearing at least 10 calendar days before the scheduled date. The hearing will be conducted in accordance with the following procedures:

1. The hearing is open to CMS and the organization requesting the re-consideration, including:
 - Authorized representatives;
 - Technical advisors (individuals with knowledge of the facts of the case or presenting interpretation of the facts); and
 - Legal counsel;
2. The hearing is conducted by the hearing officer who receives testimony and documents related to the proposed action;
3. The hearing officer may accept testimony and other evidence even though it would be inadmissible under the usual rules of court procedures;
4. Either party may call witnesses from among those individuals specified in this

section.

5. The hearing officer does not have the authority to compel by subpoena the production of witnesses, papers, or other evidence.